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# PUNISHMENT FOR WAR CRIMES

BY ERICH HULA

## I

TODAY when we think of war crimes we all see before our eyes the horrifying pictures of the appalling criminal actions we reluctantly learned of during the recent war. In view of the character and scope of those evil deeds, outright approval of any form and kind of punishment to be meted out to their instigators and perpetrators seems more appropriate than a critical analysis of the problems actually involved in the apparently so gruesomely simple issue. In these circumstances it is an ungratifying undertaking to discuss the problematic aspects of punishment rather than merely to restate our unqualified condemnation of the abominable crimes and the persons responsible for them.

But the very fact that American public opinion, the opinion of the legal profession as well as of the laymen, is divided over the best way of coping with the Axis criminals, clearly indicates that things are in fact not so simple as they look at first sight. The division of opinion is the more significant as the alignment of pros and cons does not at all coincide with any of the usual political alignments, and coincides least of all with any differences of attitude toward the political doctrines that have inspired the criminals of the enemy nations. Nor does this division of American public opinion reflect any disagreement on the moral, or rather immoral, qualities of the truly criminal acts which have outraged mankind.<sup>1</sup>

<sup>1</sup> The diversity of attitudes and views is conspicuous throughout the pertinent literature published before and after the institution of the present proceedings against the alleged Axis war criminals. In regard to the one group see in particular: George A. Finch, "Retribution for War Crimes," in *American Journal of International Law*, vol. 37, no. 1 (January 1943) pp. 81 ff.; American Society of International Law, Thirty-Seventh Annual Meeting, *Proceedings* (Washington 1943) pp. 39 ff.; George Manner, "The Legal Nature and Punishment of Criminal

The current proceedings are the result of painstaking negotiations among the governments and legal experts of the United Nations, negotiations that dragged on through practically the whole war. A common decision was essential, unless the Allies who were jointly prosecuting the war were to split wide open over prosecuting the war criminals, and to those who had to reach the decision two basically different methods presented themselves. The one method was a political, the other a judicial procedure. As regards the "major criminals whose offenses have no particular geographical localization," the Declaration on German Atrocities, signed by Roosevelt, Churchill and Stalin at Moscow in November 1943, definitely envisaged a political procedure, in the form of punishment "by the joint decision of the Governments of the Allies."<sup>2</sup> The British government seems to have preferred the

Acts of Violence Contrary to the Laws of War," in *American Journal of International Law*, vol. 37, no. 3 (July 1943) pp. 407 ff.; Clyde Eagleton, "Punishment of War Criminals by the United Nations," *ibid.*, pp. 495 ff.; Albert G. D. Levy, "The Law and Procedure of War Crime Trials," in *American Political Science Review*, vol. 37, no. 6 (December 1943) pp. 1052 ff.; C. Arnold Anderson, "The Utility of the Proposed Trial and Punishment of Enemy Leaders," *ibid.*, pp. 1081 ff.; Sheldon Glueck, *War Criminals. Their Prosecution and Punishment* (New York 1944); Hans Kelsen, *Peace Through Law* (Chapel Hill 1944) pp. 71 ff.; Quincy Wright, "War Criminals," in *American Journal of International Law*, vol. 39, no. 2 (April 1945) pp. 257 ff.; Pan-American Union, *Report on the International Juridical Status of Individuals as "War Criminals,"* prepared by the Inter-American Juridical Committee in Accordance with Resolution VI of the Inter-American Conference on Problems of War and Peace, held at Mexico, D.F., February 21 to March 8, 1945 (Washington, August 1945).

In regard to the present Nuremberg trial see especially: U. S. Department of State, Publication 2420, *Trial of War Criminals* [Documents: 1. Report of Robert H. Jackson to the President; 2. Agreement Establishing an International Military Tribunal; 3. Indictment] (Washington 1945); "The Nuernberg Novelty," in *Fortune*, vol. 32, no. 6 (December 1945) pp. 140 ff.; Rustem Vambéry, "Law and Legalism," in the *Nation*, vol. 161, no. 22 (December 1, 1945) pp. 573 ff.; Milton R. Konvitz, "Will Nuremberg Serve Justice?," in *Commentary. A Jewish Review*, vol. 1, no. 3 (January 1946) pp. 9 ff.; Erno Wittmann, *The Inalienable Rights of Aliens*, with an introduction by Roger N. Baldwin (Washington 1946); Ernest O. Hauser, "The Backstage Battle of Nuremberg," in *Saturday Evening Post*, vol. 218, no. 29 (January 19, 1946) pp. 18 ff.

<sup>2</sup> "Declaration on German Atrocities," released November 1, 1943, in U. S. Department of State, Publication 2423, *The Axis in Defeat. A Collection of Documents on American Policy Toward Germany and Japan* (Washington 1945) pp. 3 ff.



political to the judicial solution up to the last stage of the negotiations among the United Nations, but the negotiations resulted finally in the triumph of the American request for a judicial procedure.

Contrary to the American position, the British thesis was founded on precedents of modern history. The example of Napoleon comes first to mind. When the so-called "Corsican monster"—an epithet which in the light of the twentieth century appears highly exaggerated—was finally struck down by the legitimate governments of Europe, the latter turned the revolutionary weapon of outlawry against the offspring of the revolution, and, without a trial, placed Napoleon, "comme Ennemi et Perturbateur du Monde," under the custody of the British government for the duration of his life.<sup>3</sup> Napoleon's own and his friends' hope, as one biographer puts it, to profit "from the peculiarities of English law" by gaining the rights of habeas corpus, miserably failed.<sup>4</sup> In a certain sense the public arraignment of Wilhelm II, decreed by Article 227 of the Treaty of Versailles, is another precedent of a political procedure aiming at the punishment of alleged international offenses, for the special tribunal which was to try the German Kaiser was not to apply substantive rules of law but was to be guided in its decision by motives of international policy and morality. The planned arraignment of the Kaiser never came off, however, as the Netherlands refused to surrender him.

The reasons that led the British government to propose a political procedure against the enemy leaders of World War II were never publicly stated. But at least one of the advantages of such a proceeding seems to be obvious: it is what it claims to be, "a matter of political expediency and of a political right of victors to punish, growing out of the fact of victory and the nature of the crimes."<sup>5</sup> It is one thing, however, to put a single individual

<sup>3</sup> *British and Foreign Papers* (1814-15) pp. 665 ff.; *ibid.* (1815-16) pp. 200 ff.; Albert Sorel, *L'Europe et la révolution française*, vol. 8 (Paris 1904) pp. 419 ff.

<sup>4</sup> J. H. Rose, *The Life of Napoleon I* (New York 1924) vol. 2, pp. 484 ff.

<sup>5</sup> Charles Warren, "Precedent for Punishment," in Letter to the Editor, *New York Times*, February 7, 1945.

under custody, without trial, as was done in the case of Napoleon, and it is quite another thing to put a great many persons to death without judicial trial. A reluctance to burden governments with such an awesome responsibility may have contributed to the final decision to institute judicial proceedings against the major as well as the minor war criminals.

Be that as it may, this decision involves no less grave responsibilities. Once made, it calls for compliance with the basic standards of justice and law, if for no other reason than that to disregard them would necessarily weaken the sense of justice within both the defeated and the victorious nations.

## II

Punishment meted out by the victor for the instigation and perpetration of war crimes became a big issue for the first time in modern history after World War I. Before 1919 none of the peace instruments provided for the extradition of alleged war criminals to an ex-enemy nation and their punishment by that nation. As a rule the signatories to those earlier treaties even agreed that each of them would grant to his own subjects an amnesty for any criminal offenses related to the war.<sup>6</sup> As a matter of fact, the armistice concluded between the Allied and Associated Powers and Germany on November 11, 1918, still expressly stipulated in Article VI, "No person shall be prosecuted for participation in military measures prior to the signature of the armistice."<sup>7</sup> Once the war was over, the issue was to be definitely closed.

This practice did not mean that violations of the laws and customs of war were to remain altogether unpunished. The

<sup>6</sup> See Coleman Phillipson, *Termination of War and Treaties of Peace* (London 1916) pp. 243 ff.; also Alfred Verdross, "Die Amnestieklausel in den Friedensverträgen," in *Wörterbuch des Völkerrechts und der Diplomatie*, ed. by Karl Strupp, vol. 1 (Berlin and Leipzig 1924) pp. 38 ff.

<sup>7</sup> See *American Journal of International Law*, vol. 13 (1919), Supplement, p. 98; also *Der Waffenstillstand 1918-1919*, herausgegeben im Auftrage der Deutschen Waffenstillstandskommission mit Genehmigung des Auswärtigen Amtes, vol. 1 (Berlin 1928) pp. 23 ff.

belligerent governments were obliged not only to observe, themselves, the rules of warfare, but also to enforce compliance with them on the part of the individual persons subject to their authority. Any infraction of the pertinent rules, including a failure of the government to prohibit and punish an infraction, constituted a violation of civil responsibility and might entitle the injured state to reprisals. But the responsibility of the individual offender was considered to be a responsibility under municipal law, rendering him subject to prosecution and punishment by his own government. It is true that the law of war also authorized belligerents to punish captured enemy combatants for offenses against its provisions committed prior to their capture. But the end of the war was supposed to revive the exclusive home jurisdiction over the offender.<sup>8</sup>

This lack of concern on the part of the victor about the post-war punishment for war crimes fitted perfectly the nineteenth-century conception of war as a legitimate instrumentality of international politics: equal sovereigns match their limited military forces for limited ends. Besides, in that period violations of the codes of war were far from reaching the proportions that were to dishonor the twentieth century. The long weekend of world history between 1815 and 1914 was the very meridian of comparatively civilized warfare.

The delegates who drew up and signed the amnesty clause of the armistice of 1918 were, as was aptly remarked, "professional men of arms."<sup>9</sup> No doubt they knew as well as anybody else about the war crimes that the Germans had committed or were accused of having committed in the course of the war just finished. But still living, as they did, in the international traditions of the

<sup>8</sup> See the analysis by George Manner, *op. cit.* (n. 1), particularly pp. 407 ff. and 419 ff. The Peace of Vereeniging of May 31, 1902, formally terminating the Boer War, was "not a peace treaty proper, . . . but was an arrangement following the subjugation and annexation of the vanquished States" (Phillipson, *op. cit.* [n. 6] p. 246), and therefore the denial by the British of reciprocal amnesty for penal offenses against the rules of warfare cannot rightly be considered an exception to the view and practice stated above.

<sup>9</sup> George A. Finch, *op. cit.* (n. 1) p. 84.

nineteenth century, they were willing to terminate warfare in the spirit and in the forms of the past age. Their maxim was, so to speak, *La guerre est morte, vive la guerre!*

Things were entirely different, however, as regards the Allied statesmen who were to conclude the peace. They were, or they made themselves, the spokesmen of fundamentally different sentiments and expectations. For them, the war had been a war to end all war, and to end it for good. They somehow anticipated a world in which war would be no longer a political but rather a criminal phenomenon. And they projected this view also into the past, and insisted on terminating the war as a punitive war. Nothing better illustrates the evolution of this new conception of war than a comparison of Sir Edward Grey's famous speech in the House of Commons on August 3, 1914,<sup>10</sup> and Lloyd George's no less famous campaign speeches of 1918.<sup>11</sup>

The punitive measures of the Treaty of Versailles were never carried out. The Netherlands refused to deliver the Kaiser, and Germany successfully sabotaged the trial and punishment of the other alleged war offenders. In part, the failure must be attributed to the lack of firm determination on the part of the Allied governments themselves. Their hesitation was due, however, not only to reasons of short-range political expediency but also to considerations of principle. Current writers on the subject like to ridicule the doctrinal disputes in which the legal advisers of the Allied and Associated governments permitted themselves to become entangled after World War I. Particularly the late Robert Lansing, President Wilson's Secretary of State, and James Brown Scott, the two American members of the Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties, which was established by the Peace Conference at Paris in 1919, have recently become the favorite target of those

<sup>10</sup> Sir Edward Grey, in *Speeches on Foreign Affairs, 1904-1914*, ed. by Paul Knaplund (London 1931) pp. 297 ff.

<sup>11</sup> On the development after the armistice see David Lloyd George, *Memoirs of the Peace Conference*, vol. 1 (London 1939) pp. 52 ff., 109 ff.

writers.<sup>12</sup> Thus it will be useful to restate briefly the American position of that time, as laid down in Lansing's and Scott's Memorandum of Reservations to the Report of that Commission.<sup>13</sup>

The American Memorandum of 1919 was based throughout on a sharp distinction between moral and legal offenses and between moral and legal responsibilities. "Moral offenses," we read there, "however iniquitous and infamous and however terrible in their result, are beyond the reach of judicial procedure, and subject only to moral sanctions." This distinction between moral and legal offenses is maintained in reference to both the causing of the war and its conduct. Since a war of aggression may not be regarded as an act directly contrary to positive international law, the acts that provoked the war in 1914 should entail only moral sanctions. The principle "*nullum crimen, nulla poena sine lege*"—no crime, no punishment without preexisting law—should be applied also to the alleged breaches of treaties, like the deliberate violation by Germany of the internationally guaranteed neutrality of Belgium and Luxemburg. The latter acts, being illegal, incur not only moral sanctions but also the civil liability of the German state. Under international law, however, violations of treaties are by no means criminal acts, either of the state as such or of its agents.

The two American dissenters of 1919 went even further and insisted on the exclusive application of strictly positive international law in regard also to the conduct of the war. The majority of the Commission proposed that the tribunals to be charged with the prosecution of war crimes allegedly committed by Germany in the course of the hostilities should apply "the principles of the law of nations as they result from the usages established among civilized peoples, from the laws of humanity and from the dictates of public conscience." This proposal could

<sup>12</sup> See, for example, Sheldon Glueck, *op. cit.* (n. 1) *passim*.

<sup>13</sup> Carnegie Endowment for International Peace, Division of International Law, Pamphlet No. 32, *Violations of the Laws and Customs of War*, Reports of Majority and Dissenting Reports of American and Japanese Members of the Commission of Responsibilities, Conference of Paris 1919 (Oxford 1919) pp. 58 ff.

be justified even from a purely positivist point of view, inasmuch as the Fourth Hague Convention of 1907 on the Laws and Customs of Land Warfare conceives of "the laws of humanity" and "the dictates of public conscience" as a subsidiary source of international law. The formulation nevertheless encountered determined American resistance.

"The laws and principles of humanity," the American Memorandum declared, "vary with the individual, which, if for no other reason, should exclude them from consideration in a court of justice, especially one charged with the administration of criminal law." The war crime tribunals should therefore be confined to the administration of the definitely established laws and customs of war. Moreover, the American Memorandum urged the Allied governments to use the existing legal machinery at hand, that is, national courts, rather than creating an unprecedented international criminal court for the prosecution of the offenses.

Nor is this all. President Wilson's advisers proved to be no less orthodox concerning the thorny and delicate question of the criminal responsibility, under international law, of the chiefs of state. In this, incidentally, as in certain other respects, they were supported by the Commission representatives of the Japanese government, then an Allied government but apparently endowed with the rare gift of divining future constellations of international politics.<sup>14</sup> Lansing and Scott recognized and affirmed that the heads of state have a moral responsibility to mankind, as well as a political and legal responsibility to their own nations. But they rejected the notion of their personal responsibility under international law. To subject a chief of state to any foreign jurisdiction, national or international, would, they held, destroy the sovereign state, the very cornerstone of modern public law.

The American position in 1919 can thus be summarized as a combination of the most orthodox interpretation of the tenets of positivist jurisprudence with the idea of sovereignty as the basic principle of international law.

<sup>14</sup> See *ibid.*, pp. 79 ff.



## III

It would be preposterous not to recognize the differences between the first and the second world wars in regard to the task of prosecuting and punishing war criminals. Both in the nature and in the scale of the offenses the two problems are hardly comparable. Also the political and legal questions involved today are in many respects unlike those of 1919. One may wonder, however, whether all these differences and changes justify a complete reversal of the American position between 1919 and 1945. This reversal finds its most significant expression in Justice Jackson's Report to the President of June 7, 1945, in which he expounds the principles to be applied in the prosecution of the major Axis war criminals. The Agreement for the Establishment of an International Military Tribunal, concluded among the United States, France, Great Britain and the Soviet Union on August 8, 1945, and the Charter of the Nuremberg Tribunal are largely based on the ideas enunciated in Justice Jackson's Report.<sup>15</sup>

Before attempting a critical evaluation of the instruments just mentioned it is desirable, however, to consider the extent to which the traditional precepts of international and criminal law would make it possible to exact retribution for the Nazi atrocities.

The policy of unconditional surrender, proclaimed at Casablanca in 1943 and consummated at Caserta, Rheims and Berlin in 1945, undoubtedly helps greatly to brush aside legal obstacles that would otherwise have stood in the way of giving full scope to the prosecution and punishment of the Nazi war criminals. The unconditional surrender, formally sealing the *debellatio* of Germany by the Allied military forces, has in accordance with the rules of international law established the joint sovereignty of the occupant powers over the German territory and population. This means their legislative as well as administrative and judicial supremacy over all German affairs. To state the resulting situation in purely legal terms, which are at the same time an impressive illustration of the just working of history: today the American,

<sup>15</sup> *Trial of War Criminals*, cited above (n. 1).



French, British and Russian governments jointly undertake the task of exacting retribution for German crimes, acting, legally speaking, as a German government.<sup>16</sup>

As already indicated, a belligerent is entitled, under international law, to punish during hostilities captured enemy combatants, whatever rank they may have, for offenses against the rules of warfare committed prior to their capture. The controversial question that disturbed the statesmen and lawyers after the end of World War I—whether, by pertinent provisions in the peace treaty, this right can be made to survive the formal termination of war by a peace treaty—does not at present arise at all, for technically we are still in the post-armistice stage, not yet in the post-war stage. This right of punishment can be assumed to apply also to German civil officials, of whatever rank, including the members of the Nazi government.<sup>17</sup> Hitler's suicide has spared us any scruples concerning the legitimacy of trying a criminal chief of state as a criminal pure and simple.

The wicked perversity of the late Nazi regime did not manifest itself primarily in violations of the rules of warfare by actions related to the war and the realization of its main purpose, the overpowering of the enemy, though these were indeed outrageous enough. When we think of the Nazi atrocities we think first of those that were committed in no direct connection with the military operations of the war, but exclusively for the satisfaction of beastly instincts and, in their rational function, as it were, for the establishment of German racial supremacy. What Dr. Raphael Lemkin has suggestively called genocide<sup>18</sup>—a deliberate attempt

<sup>16</sup> See Hans Kelsen, "The Legal Status of Germany according to the Declaration of Berlin," in *American Journal of International Law*, vol. 39, no. 3 (July 1945) pp. 518 ff.

<sup>17</sup> This view is supported also by Lansing's and Scott's above-mentioned Memorandum; see *Violations of the Laws and Customs of War*, cited above (n. 13) pp. 23, 70. In regard to the "act of state" defense see the literature mentioned in note 1, and Alfred Verdross, *Die völkerrechtswidrige Kriegshandlung und der Strafanspruch der Staaten* (Berlin 1920) pp. 59 ff.

<sup>18</sup> Raphael Lemkin, *Axis Rule in Occupied Europe* [Laws of Occupation. Analysis of Government. Proposals for Redress], Carnegie Endowment for International Peace (Washington 1944) pp. 79 ff.

at the complete destruction of whole racial groups, in particular the Jews—and the actions related to it are not altogether war crimes, in a legal sense. But they are all, certainly more than any other conceivable crimes, violations of the laws of humanity and of the dictates of public conscience. And these, in so far as they are not war crimes proper, are ordinary crimes—"ordinary" in the lawyer's technical language—which are punishable under the criminal laws of the United Nations by their respective judicial authorities. The *condominium* of the Big Four allows also punishment by the United Nations for such offenses against stateless persons and German nationals, even if committed prior to the war.

This emphasis on the fact that all Nazi crimes can be punished by criminal procedures instituted by the United Nations should not be regarded as denying that it might be politically wiser to leave to German courts the punishment for the crimes that the Nazis committed against their German fellow nationals. It appears, in fact, that this is being done, at least to a certain extent, in the Russian zone of occupied Germany.<sup>10</sup> In any case, the essential point which is being made here is that the existing laws, both international and criminal, fully guarantee justice and retribution in regard to any atrocities committed by the Nazi chieftains and henchmen.

Thus in order to conclude one of the most disgraceful chapters of human history in the appropriate judicial way, we need not relinquish the firm basis of existing law and establish a new code of international penal offenses of doubtful legal validity and scope. As a matter of fact, if we are serious in proclaiming the opening of another and better chapter of history, we cannot be anxious enough to leave behind us all totalitarian conceptions of jurisprudence and to reestablish by the shining example of our own actions those great principles of western jurisprudence whose maintenance was one of the noblest aims of the fight against Nazi Germany. One may seriously doubt whether the Nuremberg

<sup>10</sup> New York Times, January 3, 1946.

trial and other trials still to come actually set that example of which our lawless world is in such dire need.

## IV

The Charter of the International Military Tribunal is intended to be an international criminal code defining international crimes (Article 6) and authorizing the Tribunal "to impose upon a defendant, on conviction, death or such other punishment as shall be determined by it to be just" (Article 27).<sup>20</sup> The promulgation of such a code is a departure from the hitherto prevailing conception that so-called war crimes are crimes against, and are to be punished in accordance with, the municipal law of the respective belligerent states.

In characterizing war crimes proper, that is, violations of the laws or customs of war, as technically international crimes, the Nuremberg code is objectionable from a formal point of view. On this score, however, it is open only to formal criticism, because it does not in itself imply any substantive change in the rules of warfare under which the defendants are held to be accountable.

Things are different in regard to the so-called "crimes against humanity." It need not be repeated that this legal charge, too, would not be objectionable in principle if it could be understood as a general reference to what are in the terminology of the criminal lawyer ordinary criminal offenses, clearly defined as such and subject to definite punishment according to the existing criminal laws. Nor could the formulation be justly attacked if it were intended to be a reference to humanity as a subsidiary source of law. But unfortunately it cannot be interpreted in either way. It means, to all practical intents and purposes, the vesting of a criminal court with a blank authority to determine crimes and punishments in accordance with subjective rather than objective criteria of criminality.

The complete eradication of any distinction between moral and

<sup>20</sup> *Trial of War Criminals*, cited above (n. 1) pp. 15 ff.

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<sup>21</sup> See  
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legal offenses, and moral and legal responsibilities, is even more obvious and important as regards the first offense established by the Nuremberg code, the so-called "crimes against peace." Article 6a of the Charter of the International Military Tribunal defines crimes against peace as "planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing." Before entering into a discussion of the problems involved in the concept of crimes against peace, this writer would like to state emphatically, in order to avoid any possible misunderstanding, that he is as strongly convinced of the moral war guilt of Nazi Germany as anybody can be. In his view, the Third Reich is morally guilty not only of aggressive but also of unjust war—and, contrary to a generally held opinion, the two are not necessarily the same. The problem to be discussed in the following paragraphs is not the question of Nazi Germany's moral guilt, but the question of the sanctions that are legally permissible.

In his Report to the President, Justice Jackson oscillates between suggesting that the Tribunal's jurisdiction over crimes against peace arises from existing rules of international law, and interpreting the pertinent provisions of the Charter as the statement of a new rule of international law, based on the prerogative power of the victors. Let us first examine the arguments dressed in the garments of conservative jurisprudence.

In their center stands, of course, the Kellogg Pact of 1928, with its condemnation of recourse to war for the solution of international controversies, and the renunciation by its signatories of war as an instrument of national policy in their relations with one another.<sup>21</sup> To be sure, Germany was a signatory to the Pact, and thus committed a breach of contract by deliberately and ignominiously disregarding its solemn obligations. There is no doubt, either, that by doing so Germany incurred the civil liabilities

<sup>21</sup> See David Hunter Miller, *The Peace Pact of Paris. A Study of the Briand-Kellogg Treaty* (New York and London 1928) pp. 246 ff.

which traditional international law provides for breach of contract; the Potsdam Agreement on Germany's reparations is the staggering bill due for those liabilities. But Mr. Jackson's interpretation, supported as well as contested by reputable international lawyers,<sup>22</sup> goes much further and deduces from the two short articles which form the essence of the Kellogg Pact the criminal responsibility of the individual persons who act as the agents of the aggressor state.

This interpretation is such a radical departure from long-established principles of international law that it could never be deduced from merely ambiguous terms of the agreement supposedly incorporating it. The interpretation is even less tenable if the terms, as is actually the case in the Kellogg Pact, point in the opposite direction. The Pact establishes neither the criminal responsibility of the law-breaking state nor that of any of the latter's agents. Nor does it contain any provision intimating the use of collective or individual punishment as a sanction.

This is not to deny that between the two world wars international lawyers were busy in devising codes of international penal offenses. It is further true that some of them were considering

<sup>22</sup> See note 1. For a legal evaluation of the Kellogg Pact see also the discussions that followed its adoption, particularly: Edwin M. Borchard, "The Multilateral Treaty for the Renunciation of War," in *American Journal of International Law*, vol. 23, no. 1 (January 1929) pp. 116 ff.; American Society of International Law, Twenty-Third Annual Meeting, *Proceedings* (Washington 1929) pp. 88 ff.; and Twenty-Fourth Annual Meeting, *Proceedings* (Washington 1930) pp. 79 ff.; Quincy Wright, "The Meaning of the Pact of Paris," in *American Journal of International Law*, vol. 27, no. 1 (January 1933) pp. 39 ff. Neither the public documents relating to the Pact of Paris (see D. H. Miller, *op. cit.* [n. 21] pp. 154 ff.) nor any of the contributions to the scholarly discussions just referred to envisaged the possibility of interpreting the Kellogg Pact as an instrument of international criminal law which implied the criminal responsibility of either the states or the individual persons that contravened its stipulations. On the contrary, some participants in the discussions, basing their arguments on the British and French reservations to the Pact and on the recognition of those reservations by the American government, went so far as to maintain that the Pact reserved to the signatories such a wide discretion regarding the meaning of aggression and self-defense as to render it legally inoperative. See especially Edwin S. Borchard, *op. cit.* (n. 22) and Roland S. Morris's analysis in the *Proceedings* (1929) of the American Society of International Law, cited above (n. 22) pp. 88 ff.

inserting aggressive war in those codes, as one of the international crimes—either by affirming the criminal responsibility of the state or its individual agents, or by affirming a combined collective and individual criminal responsibility.<sup>23</sup> But it is no less true that the governments never even thought of taking up such far-reaching proposals. All that can be said is that between the two world wars the idea was somewhat in the air, and that it is a highly interesting idea, indicating entirely new trends in international thought which, if ever adopted, would revive, in new forms and on a much more comprehensive plane, mediaeval conceptions regarding the structure of the *Res publica Christiana*. In the present context there are only two points that count: first, in 1939 war, including aggressive war, was not an international crime according to the legal rules that prevailed at that time and were subscribed to by all governments; second, international law was then still regarded in the traditional way as a law which in principle governs the relations between states, and therefore violations of the Kellogg Pact's prohibition of war could not be and actually were not interpreted in terms of the individual responsibility of the agents of an aggressor state.

Nor should it be overlooked that the United Nations Charter of San Francisco and the Statute of the new International Court of Justice tacitly reject the very notions on which the Nuremberg prosecutions of crimes against peace are founded. Neither of these most recent international instruments characterizes aggressive war as an international crime, and neither of them affirms any individual criminal or civil responsibility under international law of any sort. One may wonder how it can be honestly maintained that basic precepts of international public law were no longer valid in 1939 which were solemnly reaffirmed by the victors themselves in 1945.

Therefore it is not surprising that Justice Jackson deems it

<sup>23</sup> See the references to this movement in George Manner, *op. cit.* (n. 1) pp. 410 ff., 428 ff.; Albert G. D. Levy, *op. cit.* (n. 1) pp. 1069 ff.; Hans Kelsen, *Peace Through Law*, cited above (n. 1) pp. 110 ff.



advisable to hold another iron in the fire, by regarding the prerogative power of the Big Four as further basis for the claim that the Allies have jurisdiction over the so-called crimes against peace. But here he runs into another difficulty, no less formidable than those mentioned. Anglo-Saxon jurisprudence, and not Anglo-Saxon jurisprudence alone, rejects retroactive criminal laws, "making a certain deed criminal which was not so when it was performed, or increasing the penalty attached to crimes already committed."<sup>24</sup> When Nazi Germany abandoned the principle, "No crime, no punishment without preexisting law," this was generally taken to mean that she deliberately spurned a basic legal maxim of modern western society. That action assuredly does not now, morally speaking, entitle the dethroned rulers of Nazi Germany to the benefit of the principle which they withdrew from their subjects. But neither can it be a reason for undermining its validity in the countries that have upheld it.

To be sure, the doctrine in question, like any other absolute principle, requires certain qualifications in its practical application.<sup>25</sup> Such qualifications have been repeatedly suggested by the jurists who have been plagued by the intricacies involved in the task of assuring the just punishment of the war criminals without violating the very essence of the principle of non-retroactivity. Professor Glueck, for example, to mention only one of them, maintains that the principle is meant to apply only to the "protection of substantial rights" of the accused.<sup>26</sup> But the same writer, who in this as well as in most other respects has developed very radical views on the punishment of Axis war and ordinary crimes, does not even contemplate the idea that violations of treaty obligations and the waging of aggressive war should be included in the list of punishable crimes.<sup>27</sup>

<sup>24</sup> Walter Denton Smith, *A Manual of Elementary Law* (St. Paul 1896) p. 31.

<sup>25</sup> On the problems involved see the well balanced analysis by Jerome Hall, "Nulla poena sine lege," in *Yale Law Journal*, vol. 47, no. 2 (December 1937) pp. 165 ff.

<sup>26</sup> Sheldon Glueck, *op. cit.* (n. 1) p. 106.

<sup>27</sup> *Ibid.*, pp. 37 ff.



The main objection to be raised against Justice Jackson arises, however, from the fact that his retroactive law shares only in the inherent deficiencies of an *ex post facto* law, and not in its positive quality. A retroactive law is one of dubious validity, but it is meant to be a law all the same. It is meant to be applied, from the moment of its enactment, as a general rule relevant to all cases similar to the one that caused its existence, to past cases as well as to future ones. But the Nuremberg rule is not, according to the Charter of San Francisco, intended to be applied to future aggressive wars that may be launched, contrary to the obligations contained in the Charter, by any of the victorious powers, and certainly least of all to such a war launched by any of the Big Five. Nor does there seem to be any intention of applying it to the past cases of Russian aggression against Finland, Poland and the Baltic states, in part executed jointly with the accused German criminals, or to Russia's attack against tottering Japan last August, unprovoked by the latter, though instigated by the other prosecutor states.

Thus the Nuremberg rule on crimes against peace, if somewhat more closely analyzed, is not so much what any law is meant to be, that is, a general rule to be generally applied, but rather what was called in Jacobin France *une loi de circonstance*.<sup>28</sup> In other words, the Nuremberg rule on crimes against peace aims exclusively at a definite group of purposely selected men.

That the arbitrary constitution of so-called crimes against peace was not necessary in order that the arm of justice might reach the instigators of the war crimes and the other Nazi atrocities, can be seen from the fact that, among all the individual and collective defendants at Nuremberg, Hjalmar Schacht is the only one whose indictment charges him only with crimes against peace. All the other defendants are accused also of war crimes and of crimes against humanity.<sup>29</sup> The justification for proclaiming and applying a new principle of law, without regard to the

<sup>28</sup> See Carl Schmitt, *Die Diktatur* (2nd ed., Munich and Leipzig 1928) p. 150.

<sup>29</sup> *Trial of War Criminals*, cited above (n. 1) pp. 65 ff.

existing rules, rests solely on the expectation that this revolutionary action will, to put it in Justice Jackson's own words, "make war less attractive to those who have governments and the destinies of peoples in their power."<sup>30</sup> Whether this expectation is well founded would be a debatable question, however, even if the new rule were not exclusively directed against the leaders of the defeated enemy nations.

At present it is not clear where the responsibility lies for putting the Nuremberg trial on what is, legally, such a slippery basis. It would seem that Russian conceptions of revolutionary justice have been combined with new ideas of international law in general and new trends of western jurisprudence in particular. Be that as it may, the mixture of genuinely judicial functions with functions of a primarily political nature cannot fail to have baneful effects on an otherwise irreproachable cause.

# V

At Nuremberg the accused are being tried in procedural forms which maintain more "peculiarities of English law" than any of the defendants were morally entitled to expect. This respect for the judicial forms is, indeed, what distinguishes the trial at Nuremberg from the proceedings of the revolutionary tribunals of Jacobin France and Bolshevik Russia. "It is unbearable," Robespierre once exclaimed in the Jacobin club, "that a tribunal instituted to make the revolution march forward should make her march backward by its criminally slow pace. The tribunal," Robespierre continued, "must be as active as the crime, and it must always be on the plane of the crimes."<sup>31</sup> There is no Robespierre behind the judges of Nuremberg, urging them to degrade the trial "au niveau des délits." As a matter of fact, one might even wish that somebody would speed up the pedantic proceedings, obviously but mistakenly inspired by a desire to project the quality and quantity of the charged crimes into the

<sup>30</sup> *Ibid.*, p. 11.

<sup>31</sup> Albert Mathiez, *La révolution française*, vol. 3 (Paris 1928) p. 82.

dimension of time. But these more or less laudable features of the Nuremberg trial do not erase the unpleasant fact that it does not altogether apply laws.

It seems to me that this fact also outweighs the objection that the Nuremberg court is an agency of the victors pure and simple. There is no doubt, however, that one should not minimize the psychological effect, particularly on the defeated nation, of the onesided composition of the court. This will not fail to be felt especially in regard to the Tribunal's assumption of jurisdiction over the waging of aggressive war. To be sure, as long as the right to take up arms is not subject to the judicial decision of a supra-national authority, the victor cannot reasonably be expected to submit the judgment on the rightness of his cause to anyone above himself, after he has sacrificed blood and treasure for it. But neither can it be reasonably anticipated that the vanquished will accept the verdict of his victorious foes as the verdict of impartial judges. To expect anything else would mean to indulge in childish illusions. There was therefore much wisdom, and also justice, in the former practice of refraining, in a world of sovereign states, from a legal disqualification of even the most obviously morally guilty state and its agents.

The lack of a truly international character—"international" in the comprehensive sense of the former Permanent Court of International Justice—is a rather serious disability of the Nuremberg Tribunal also in regard to its jurisdiction over violations of the laws and customs of war. Distinguished American lawyers insisted, even in the heat of the past war, on the establishment of a genuinely international criminal court, either composed of nationals of the United Nations and of neutral states, possibly including nationals of the Axis countries as well, or consisting of representatives of neutral states alone. Some were even willing on principle<sup>32</sup> to grant that court the authority to try anyone

<sup>32</sup> See, for example, Charles Cheney Hyde, in American Society of International Law, Thirty-Seventh Annual Meeting, *Proceedings* (Washington 1943) p. 43; Clyde Eagleton, *op. cit.* (n. 1) p. 498; Sheldon Glueck, *op. cit.* (n. 1) p. 115; Quincy Wright, "War Criminals," cited above (n. 1) p. 279.

accused of violations of the laws and customs of war, regardless of which of the belligerents he was identified with. The International Military Tribunal of Nuremberg meets neither of these requirements of truly impartial justice.

Violations of the war rules on both sides are the regular concomitant of any war. Moreover, modern technological inventions have introduced into warfare weapons of a character which eradicates any distinction between combatants and non-combatants, or between military and private objectives, distinctions that formed the very core of the nineteenth-century rules of warfare. The end of the war has brought home to the defeated nations the import, in its most literal sense, of the Biblical warning, "For they have sown the wind, and they shall reap the whirlwind." But unless we are willing to assert self-righteously that we stand as the angels of the avenging Lord, under no law, we have at least to admit that the deliberate omission, in the Nuremberg indictment, of the bombardment of Warsaw, Rotterdam and London is not sufficient to settle the question of the moral and legal responsibility for the destruction of Dresden, Hiroshima and Nagasaki.<sup>33</sup>

Nor should we overlook another aspect of the war trials. What counts in international politics is not only moral and legal but also political responsibilities. No doubt the Allied statesmen are to be acquitted of any moral or legal responsibility for having launched the second world war. But could they also answer satisfactorily the charge that they did not live up to their political responsibilities? This is a question in the clarification of which the victors should be even more interested than the vanquished,

<sup>33</sup> The wanton destruction of "cities like Rotterdam," carried out "for no military purpose," figures in Justice Jackson's Report to the President as one of the most flagrant violations of the rules of warfare; see *Trial of War Criminals*, cited above (n. 1) p. 6. But the reference to Rotterdam is missing in Count Three of the Nuremberg indictment (*ibid.*, pp. 56 ff.). On the legal aspects of aerial bombardment see L. Oppenheim, *International Law. A Treatise*, edited by H. Lauterpacht, vol. 2 (6th ed., London-New York-Toronto 1940) pp. 406 ff., and Charles Cheney Hyde, *International Law, Chiefly as Interpreted and Applied by the United States*, vol. 3 (2nd rev. ed., Boston 1945) pp. 1822 ff.

if they intend to learn how to avoid another holocaust. It is an ugly fact that the different phases, episodes and manifestations of the policy of appeasement have to be hushed up in the trial of the Germans, in order not to implicate Allied statesmen themselves in what, in the Nuremberg terminology, might easily be called conspiracy.

And even more serious is the fact that the trial, by diverting public attention from the illusions and blunders of the twenties and thirties, fails to teach the adequate political lesson. Justice Jackson seriously states in his Report to the President that "we relied upon the Briand-Kellogg Pact and made it the cornerstone of our national policy."<sup>34</sup> This amazing statement, and other symptoms as well, suggest that a lesson of warning against belief in the magic power of diplomatic words may still be needed. One might even suspect that the Nuremberg trial, and the Tokyo trial still to come, with their hoped-for deterrent effects upon potential future aggressors, are another substitute for a political foreign policy.

## VI

In one of the many discussions that the International Law Association devoted between the two world wars to the establishment of an international criminal court with jurisdiction over war crimes, among other offenses, an eminent delegate concluded his objections to the proposal with the words, "A bas la guerre des procès, vive la paix de l'oubli et de l'espérance."<sup>35</sup> Probably nothing signifies more clearly Hitler's degradation of politics to pure criminality of the most appalling kind than the fact that after World War II any plea for a peace of forgetfulness would be an outrage against the most elementary sense of justice. Accordingly this article has not been directed against punishment for the Nazi crimes. It is solely meant to criticize, in the

<sup>34</sup> *Trial of War Criminals*, cited above (n. 1) p. 10.

<sup>35</sup> International Law Association, Thirty-Third Conference, held in 1924, *Report* (London 1925) p. 95.

concrete solution that is being applied, the specific features which turn the victors' allegedly judicial liquidation of those crimes into a continuation of war beyond the actual end of military warfare.

Because of the involved and complex character of the issues discussed, it may not be out of place to summarize the theses and arguments of the present essay.

The nature and the scale of the crimes committed demand stern punishment, based primarily and essentially on considerations of retributive justice. Modern criminological theories stress the corrective and deterrent purposes of punishment. But the insufficiency, not to say the immorality, of the prospective approach to the question of punishment is more glaringly illustrated by the Nazi crimes than by any other possible criminal offenses.<sup>36</sup>

The imperative need for inflicting just punishment upon any guilty criminals, accomplices and accessories as well as instigators, could easily have been met within the framework of the existing rules of international and criminal law. This is true not only in regard to the war crimes proper, but also in regard to the other Nazi atrocities which were merely ordinary crimes, in a legal-technical sense, though they were extraordinary in their purpose and scope, their heinous character and the devilish refinement of the techniques by which they were accomplished. Therefore it was not necessary to base the crimes against humanity on subjective tests of criminality and thus go beyond definite legal limits.

Even more to be regretted is the insertion in the Nuremberg code of the so-called crimes against peace. In so far as this category is presented to us as the application of existing rules of law, the attempt fails to convince the positivist lawyer. In so

<sup>36</sup> See the pertinent discussion on penological doctrines with regard to war crimes in Catholic Association for International Peace, *Transition from War to Peace. A Report of the Post-War World Committee* (Washington 1943) pp. 28 ff. Punishment for war crimes is analyzed and rejected, from the point of view of utility, by C. Arnold Anderson, *op. cit.* (n. 1) pp. 1081 ff.



far as it is recommended to us as the symbol of new legal conceptions, it fails to satisfy even those who would be willing to forego any positivist objection to the dubious origin of a new legal principle, provided it could be reasonably assumed to herald a reconciliation of morality and law in international politics. The fact that the application of this revolutionary maxim is most carefully restricted to the leaders of the defeated nations is liable to shatter any such lofty hopes.

A limitation of the charges against the Nazi ringleaders to ordinary crimes and to the most obvious violations of the rules of warfare would have made possible a more expeditious judicial proceeding than the pompous and ambitious Nuremberg trial. To be sure, the Nuremberg court is by name a military tribunal. But at the same time it is assigned a task which precludes the performance of its duties in the simplified forms of a truly military judicial body. It may very well be found that a more expeditious proceeding would have been morally more impressive and effective.

Justice Jackson frankly confessed, in his opening address to the Nuremberg tribunal, that prosecution and judgment are carried out "by victor nations over vanquished foes."<sup>37</sup> In view of the character and the particular termination of the second world war, there are, indeed, compelling reasons for burdening the victors with this tremendous responsibility. One may affirm this necessity, and still quarrel over the concrete execution of the task which has fallen to the victors. But the very fact that the current proceedings fail by implication to meet the indispensable requirements of truly impartial justice should warn us strongly against any easy anticipation that they will have wholesome effects, either on the defeated or on the victorious nations.

The latter consideration leads to the problems of punishment for war crimes apart from the context of the past war. But the intricate questions involved in punitive war in general fall outside the scope of the present discussion.

<sup>37</sup> *New York Times*, November 22, 1945.



# SOME CONSTITUTIONAL PROBLEMS FACING THE FRENCH CONSTITUENT ASSEMBLY<sup>1</sup>

BY BORIS MIRKINE-GUETZÉVITCH

ON November 6, 1945, the French Constituent Assembly, elected October 21, met for its first session at the Palais Bourbon. Thus was born the Fourth Republic. The powers vested in the Assembly by the Constitutional Act of October 21 will expire on June 6, 1946, and the constitution which it is expected to draft must be completed by that time.<sup>2</sup>

<sup>1</sup> The author wishes to express his gratitude to Miss Janet S. Seigel, for her services in translating this manuscript from the French. The article, it may be mentioned, was written before the cabinet crisis at the end of January 1946, when M. Félix Gouin replaced General de Gaulle as President of the Government.

<sup>2</sup> The text of the Constitutional Act is as follows (translation provided by the French Press and Information Service, New York):

Article One—The Constituent Assembly, created by the results of the elections of October 21, 1945, shall immediately proceed to elect, by individual vote and an absolute majority of its members, the President of the Provisional Government of the Republic. The latter shall form his Cabinet and submit it to the approval of the Assembly, together with the Government's program.

The Government shall be responsible to the Assembly; but the rejection of a bill or the refusal to grant a credit shall not lead to his resignation. The Government's resignation will become obligatory only in the event that a separate vote of lack of confidence is passed, and shall not take place until two days after the motion has been deposited before the Bureau of the Assembly and adopted by means of an open vote at the tribune by an absolute majority of the Assembly's members.

Article Two—The Assembly shall establish the new Constitution.

Article Three—The Constitution adopted by the Assembly shall be submitted to the approval of the electoral body of French citizens, by way of a referendum, within the month following its adoption by the Assembly.

Article Four—The Assembly has legislative powers. It shall initiate laws, concurrently with the Government.

Within a month's delay granted for the promulgation of the laws, the Government shall be entitled to ask for a second debate. If, as a result of the latter, the initial vote is confirmed by an absolute majority of the Assembly's members, the law is promulgated within three days.

*(continued on following page)*

It would be impossible to anticipate today the principles, the techniques and the character of the new French constitution. It is not my intention to indulge in hazardous prophecies or to draft fanciful projects. Unlike Chateaubriand—who confessed that he had written *De la monarchie selon la charte* during an "attack of constitution fever" (*un accès de Constitution*), and admitted in his *Mémoires d'outre-tombe*, "I was so enamored of my lady [the constitution] that I would have walked through a wall of fire to carry her to safety"—I do not worship at the shrine of any "Lady Constitution." After studying political phenomena for thirty-five years I have learned constitutional relativism: texts do not create democracies. It is the men, the habits, the traditions and the parties which are the most important elements of a democratic constitution. This article will concern itself, therefore, with a rapid summary of various problems that confront the Constituent Assembly, and with certain possible solutions.

What kind of political system should the Fourth Republic adopt?

If the popular will is not thwarted either by faulty technique or by political pique, there is no doubt that France will declare herself for a parliamentary republic. Although it has been vilified during the last few years parliamentarism is the only possible form of government in France. In spite of its defects during the final years of the Third Republic, in spite of the Nazi and Vichy propaganda campaigns against it, the parliamentary regime has

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Article Five—The Assembly shall pass the budget but cannot take the initiative of disbursements.

Article Six—The Assembly's powers will expire from the moment the new Constitution is applied, and, at the latest, seven months after the Assembly has met for the first time.

Article Seven—Should the electoral body reject the Constitution established by the Assembly, or should the latter fail to establish any within the delay prescribed in Article Six, there shall immediately be initiated, and in the same manner, the election of a new Constituent Assembly endowed with the same powers, which would meet in conformity with the law the second Thursday following its election.

Article Eight—The present law, adopted by the French people, shall have constitutional force and will be executed as a State promulgated law.

not been displaced by any other system in the consciousness of French democrats.

In the documents that reveal the political beliefs of the Resistance movement there is both direct and indirect endorsement of the parliamentary regime. Despite all the criticism that the Resistance press leveled at the pre-1940 parliamentary mores and practices, not one of its projects suggested replacing the system of Cabinet responsibility by the American presidential or the Swiss council system. Resistance leaders both at home and abroad demanded modifications, improvements and reforms, in order to stabilize the executive and to endow the future governments of the Fourth Republic with strength and vigor. Yet none of these suggestions affected the essence of parliamentarism: the political responsibility of the executive to the parliament. This principle remains fundamental in French political thought.

Thus the Algiers Committee for the Study of Constitutional Reform, notwithstanding its insistence on the necessity for executive stability and power, declared its position as follows, in the Sixth Chapter of its Report to the President of the Provisional Government of the French Republic:<sup>3</sup>

. . . The majority of the Committee declares itself in favor of electing the Prime Minister by an absolute majority of the popular Assembly.

Once elected the Prime Minister will appoint and dismiss his colleagues. His choice will of course be made only after consultation with the various political groups in the Assembly, but the final decision remains his alone. The Cabinet should be like a team, the members confident of one another and able to work together. . . .

The problem of relations between the executive and the legislative power is dominated by two considerations:

The Cabinet must be able to act rapidly, and it must therefore have sufficient authority to make the necessary decisions. Past experience has demonstrated that the legislative procedure is sometimes too long and complicated for certain laws pertaining to economic and social problems. Modern economic development has sufficiently proved

<sup>3</sup> The complete text of this report was published in *La République Française* (New York) Nos. 1 and 2 (January and February 1945).

that a legislative chamber of a few hundred deputies is inefficient when confronted with the task of discussing and polishing bills which deal with administrative matters in the economic, social and industrial fields. . . .

The second function of the Assembly should be its power to interrogate the Prime Minister. This power should be so regulated as to avoid weakening the Cabinet, but it must be scrupulously respected. In so far as modern technical necessities compel the Cabinet to assume legislative functions, the right of interrogating the Prime Minister becomes essential to parliamentary control of the Cabinet. . . .

As it is imperative that the Cabinet remain under the control of the parliament at all times, the methods for effecting this control must be clear and ordered. . . .

Since Cabinet stability will be necessary in the socialized France of tomorrow, it is suggested that the Prime Minister be elected for the duration of the legislative session. A vote of non-confidence will result simultaneously in the dismissal of the Cabinet and the dissolution of the Assembly. Until the new election, the affairs of the nation will be administered by a new Cabinet whose tenure is limited to three months. This interim Cabinet will be appointed either by the President of the Republic or by the president of the second chamber.

Article One of the Constitutional Act adopted by popular vote on October 21, 1945 (quoted above), also sets forth the principles of parliamentarism. And none of the parties represented in the Constituent Assembly seems to desire any other form of government. Even the Communist plan, which is known only from brief analyses in the newspapers, implicitly accepts the parliamentary regime, by making the existence of the Cabinet dependent on a vote of the legislature.<sup>4</sup> In a newspaper interview André

<sup>4</sup> The Communist plan (which I do not believe has much chance of being adopted) has probably been influenced by faulty interpretations of the political technique of the great Convention of the French Revolution. Generations of jurists have described the 1792-94 regime as a "dictatorship of the Assembly." In my article, "Le gouvernement parlementaire sous la Convention," *Les Cahiers de la Révolution Française*, vol. 6 (1937) pp. 64 ff., I have opposed this theory, by developing certain observations of A. Aulard, and demonstrated that the Convention practiced parliamentarism *sui generis*, the ministry being the Committee of Public Safety (the Danton and then the Robespierre ministries). For a study of the inspirational possibilities of past events (especially the Convention) see Maurice Duverger, "L'évolution constitutionnelle française de 1789 à 1870," in *Politique: Pour la Constitution de la IV<sup>e</sup> République*, Paris (September 1945) pp. 210-11.

Philip, chairman of the Constitution Committee of the Constituent Assembly, has traced the broad outlines of the Committee's plan,<sup>5</sup> and according to Philip the Committee is intending to accept the principles and most of the traditional techniques of parliamentarism, though making the same change in the method of choosing the Prime Minister as proposed in the Algiers Report quoted above: the Prime Minister, instead of being named by the President of the Republic, will be elected by the Assembly.<sup>6</sup>

If the republic of the future is a parliamentary republic, what kind of institutions should it have?

On the major question of bicameralism or unicameralism the first vote of the Constitution Committee, taken last December 5, was only for general orientation, but it was evident that the unicameralists had won. The majority of the Committee members declared themselves in favor of a single chamber which "should surround itself with one or more consultative bodies."

Let us consider the problem of modern bicameralism. In the twentieth century the bicameralist attempts to awe his opponents by citing examples of tyrannical single chambers which abolished individual liberties. Which are these tyrannical chambers? I do not know of one. Immediately someone will mention the great Convention of the French Revolution. But it was not tyrannical. That terrifying Convention, magnificent in its ire, generous unto prodigality even in its errors and injustices, was not dictatorial. The Committee of Public Safety, it is true, was first authoritarian and then terrorist. It should not be forgotten, however, that the Convention was a revolutionary assembly with all of the virtues and defects of revolutionary assemblies—and certainly more virtues than defects. What other single chambers of France could be described as dictatorial? Certainly neither the *Constituante* nor the Legislative, nor that timid assembly of 1849

<sup>5</sup> *New York Times*, December 18, 1945.

<sup>6</sup> This method of choosing the Premier was introduced into the various constitutions promulgated after World War I: for example, Prussia (Article 45), Bavaria (Article 58), Estonia (Article 59), Austria (Article 70).

which allowed itself to be swept away by the coup d'état of December 2, 1851.<sup>7</sup>

With his admirable commonsense, Charles Seignobos has amply demonstrated that although history contains the record of many tyrants and dictators, there are hardly any records of tyrannical assemblies. The fear of single-chambered assemblies is a survival of a constitutional superstition of the nineteenth century when, in newly constitutionalized monarchies, the purpose of the upper chamber was to check the progress of liberal movements.

What is the purpose of an upper chamber in a republic? It is held that without its restraining influence, democracy would be lost. Should one infer, then, that the lower chamber works too quickly, that it passes legislation hastily, without sufficient reflection? One of the inadequacies of the modern parliament is its procrastination, its overlong procedure, its projects carried over from one session to the next. Is a rein needed for this slow-moving beast?

During the nineteenth century French republican doctrine was categorically unicameralist. This doctrine developed under the Second Empire and during the first decades of the Third Republic (as evidenced in the well-known speeches and proposals of Goblet, Naquet, Pelletan and Clemenceau). As late as 1894 the Radicals proposed a law abolishing the Senate.

In continental Europe the upper chamber is either a tradition or a superstition. It is wise, however, not to make a frontal attack on superstitions, particularly when a majority of the theoreticians of constitutional law proclaim the absolute necessity of upper chambers for the successful functioning of the parliamentary regime. I have no fundamental objection to the Senate. Yet I will not admit such artificial arguments for its defense as "There must be a restraining influence on the lower chamber," or "Equilibrium must be maintained." The upper chamber is not

<sup>7</sup> One should not forget Valette, representative of the people and professor in the Faculty of Law of Paris, who, when awakened by friends telling him of the coup d'état, cried out, "The act is null and void."



necessary, but it can be made acceptable if three conditions are fulfilled: first, if its method of apportionment provides a substantial improvement in representation; second, if its functions differ from those of the lower chamber; and third, if it possesses no political control over the executive, in other words, cannot dismiss the Cabinet.

Cabinet instability was the original sin of the Third Republic. Unlike the British Cabinet, which is based on a solid majority and has a veritable monopoly of legislative (including budgetary) initiative, the French executive was often forced to remain idle in order to stay in power.<sup>8</sup>

Stability, to be sure, is not a question of law; the strength of a Cabinet does not depend on a paragraph in the constitution. Cabinet stability is a political problem: a problem of majorities, of the existence of well organized, large political parties. That is why the mechanical procedures adopted by the post-1918 European constitutional conventions were largely unsuccessful.

Nevertheless, certain formal procedures might be adopted which would at least improve the possibilities for stability. In the first place, it might be provided that after the newly chosen President of the Council has formed his Cabinet, his choice of Cabinet members must be approved by a vote of the legislature. This vote of confidence should include a majority of the deputies present when the vote is called, all abstentions being counted as negative votes. And it might be provided, in the second place, that a vote of non-confidence would automatically dismiss the Cabinet. This vote should not be valid unless an absolute majority of the deputies were present at the vote, and an absolute majority of those present cast negative votes, all abstentions being

<sup>8</sup> For a full discussion of the executive's role in the parliamentary regime, and of the necessity that it be strong, stable and dynamic, see Boris Mirkine-Guetzévitch, *Les nouvelles tendances du droit constitutionnel* (2nd ed. Paris 1936) pp. 195 ff., *Les constitutions de l'Europe nouvelle* (10th ed. Paris 1938) vol. 1, pp. 24 ff., and "Le gouvernement et la vie politique sous la III<sup>e</sup> République," in *L'oeuvre de la III<sup>e</sup> République* (Montreal 1945) pp. 14 ff.



counted as positive votes. In addition, this vote should not be taken until forty-eight hours after a group of deputies (an absolute majority of those present, exclusive of abstentions) had asked for a vote of non-confidence.

This solution could not guarantee Cabinet stability. If the Chamber were composed of twenty groups, and if the Cabinets were made up of heterogeneous groups, of artificial and precarious coalitions, no constitutional technique exists which could assure ministerial longevity. Where political facts dominate laws, one cannot expect a perfect solution. I am merely suggesting a fairly flexible system which might improve the functioning of the parliamentary regime.

One of the causes for the malfunctioning of parliamentarism in the Third Republic was the unhealthy technique which specified that the President of the Republic could dissolve the Chamber of Deputies only "with the approval of the Senate." Raymond Poincaré believed that a return to the normal method of dissolution, as practiced in Great Britain, would by itself cure practically all the ills of French parliamentarism.

Dissolution of the Chamber purifies the political atmosphere, by substituting for competing ambitions a war of ideas (platforms). The new constitution should provide for dissolution. The above-mentioned plan outlined by Philip provides for automatic dissolution after the dismissal of two Cabinets.

The new French constitution should also include a Declaration of the Rights of Man which is suitable to our times. That is to say, it should include not only the classical rights established by the French Revolution but also certain limitations on individual rights, measures of social control and the like. This Declaration should define not only the rights of the citizens but also their duties, as conceived and understood in the concept of *fraternité*, delineated one hundred and fifty years ago by the Convention and reaffirmed by modern democratic socialism.

The old dichotomy of individualists and collectivists has lost its significance today. It has been broken down by the European crisis, the people's battle against Nazism, the desire for freedom—that overwhelming desire for freedom. For too long the question has been debated whether the political and moral heritage of the French Revolution is compatible with collectivism. The polarity “either individualism or collectivism” no longer exists, and did not exist even in 1793, when agrarian reforms effected a social revolution. Since 1918 there has been social, socializing or socialist legislation in all countries. The social evolution of the world has created new rights, and demands their definition.

The text of a constitution is but a framework. Without institutions there is no republic; without habits there is no democracy. As the Convention put it, during the French Revolution, “The citizens are to be reminded continually that the duration, the protection and the prosperity of the Republic are dependent principally on the wisdom of their selection at the polls.”

A constitution is, however, a framework, and as such it must fulfil a vital function. It must not be dogmatic or “professorial.” The parliamentary regime, since it is essentially supple, cannot exist within a rigid constitutional framework. A constitution must be clear and simple, comprehensible not only to doctors of laws but to all the people. Its text should be so written that it can be read and explained in all the schools, a document for training future citizens in freedom and democratic patriotism.

Since 1789 French political civilization has consisted of a group of ideas and practices whose purpose has always been liberty and justice. The new French constitution must adapt this ideal of liberty to the life, the needs and the spirit of our epoch. It must take into account the transformation of the contemporary world, a transformation in both the physical and the spiritual environment. It must provide the basis for a republic at once democratic and social, cooperative and humane.

*(École Libre des Hautes Études)*

# THE NATIONAL SOCIALIST AGRARIAN PROGRAM

BY FRIEDA WUNDERLICH

## I

NATIONAL Socialism came into power with a well-defined agrarian program. Its closely interrelated aims included de-urbanization, the preservation, increase and immobilization of the peasant class, and the attainment of self-sufficiency in the production of foodstuffs.

Excessive concentration of the population in urban and industrial areas, and the resultant depopulation of rural districts, were considered unfavorable to physical and mental health, the breeding of future generations, and the building of a large army—the last assumption based on the theory that peasants make better soldiers than do townspeople. Pronouncements on the subject by party leaders were precise and not infrequent. In a proclamation to the German nation, issued on February 1, 1933, the “back-to-the-land policy” was termed one of the basic principles of the government program.<sup>1</sup> Hitler, at the harvest celebration on September 30, 1934, stated that the peasant class represented the sound healthy-minded antithesis to the intellectual population of the towns, while according to the then Reich Peasant Leader and Minister of Agriculture, R. Walther Darré, the cultural values of a nation were manifested in its peasants.

<sup>1</sup> Norman H. Baynes, ed., *The Speeches of Adolf Hitler, April 1922–August 1939*, vol. 1 (New York 1942) p. 114. In the same vein, Hitler stated in his speech in the Reichstag on May 23, 1933: “We must devote our greatest solicitude in future to pursuing the back-to-the-land policy in Germany” (*ibid.*, p. 831). And again: “The very possibility of preserving a healthy peasant class as the basis of the entire nation can never be sufficiently valued. . . . A solid stock of small and medium peasants was at all times the best protection against social ills as we have them today. . . .” (*Mein Kampf* [Reynal and Hitchcock ed., New York 1940] p. 178).

"German degeneration has been the consequence of concentration in big cities," said the chairman of the Reichsarbeitsgemeinschaft für Raumforschung in 1936.<sup>2</sup> Herbert Backe, Darré's successor, put it more strongly: "The Third Reich will be a peasant Reich or it will not be at all."<sup>3</sup> Ergo, remigration to agriculture was to be the program.

The increase in the prestige of the peasant class and the creation of a new aristocracy of blood and soil were to be effected by "denomadization." Security of land tenure and social standing were to compensate the farmer for rearing large families and for carrying out government orders concerning agricultural production. By fostering their own life patterns and life values, the peasants would establish a new stronghold of German culture. It was recognized that such a population policy would require a substantial increase in the number of small and medium-size farm holdings.

The third aim—self-sufficiency in the matter of foodstuffs—stemmed from the fear of blockade during a war. It was to be realized by increased production, regardless of cost, and by conquest of foreign territory.

## II

Point by point, the program had to be abandoned. The first measures designed to bind the farm worker to agriculture were imposed in 1934, but their abrogation two years later precipitated an unprecedented flight from the land, involving not only farm workers but peasants as well.

The census of 1939 recorded a loss of 1.45 million in agricultural population since 1933. Men employed in agriculture decreased by 643,000 or 13.7 percent.<sup>4</sup> Of 120,000 agricultural laborers in Saxony in 1936, a third had entered industry by the spring of 1939.<sup>5</sup> Württemberg, a state that has always been

<sup>2</sup> Konrad Meyer, in *Forschungsdienst*, vol 1 (Berlin 1936) p. 734.

<sup>3</sup> Backe, *Das Ende des Liberalismus in der Wirtschaft* (Berlin 1936) p. 16.

<sup>4</sup> *Wirtschaft und Statistik*, 1940, no. 23, p. 538.

<sup>5</sup> *Der deutsche Volkswirt*, April 21, 1939, p. 1406.

considered exemplary for its population structure and its combination of agriculture and industry, lost 90,000 or 17.4 percent of its farm labor between 1933 and 1938.<sup>6</sup> To be sure, there is always an increased exodus from the country during periods of business revival. The manpower loss in German agriculture, however, occurred within three years, for legal measures prevented it between 1934 and 1936. Actually, the flight from the land was proportionately greater than the census indicates because alien workers and girls serving a compulsory year in agriculture were included in the figures for farm workers. An expert of the Reich Food Estate estimated that 1.8 million farmers and farm workers left the land between 1933 and 1938.<sup>7</sup>

In contrast to all former migrations, the exodus came from the small farms rather than from the large estates. According to an investigation made by the Reich Food Estate and covering 8,813 farms, there was a decline of 28 percent in the number of adult farm workers in 1938 and 1939 on farms of less than 50 hectares, while on farms of more than 100 hectares the decline was 12 percent.<sup>8</sup> This was due in part to the unwillingness of peasant children to stay on farms they could not hope to inherit, and in part to the difficulty experienced by peasants whose land had been taken for military purposes in finding suitable new farms. The small farm, moreover, employed the largest percentage of unmarried servants, and these, as a rule, belonged to the age group that had been reduced by the falling birth rate during World War I.

This exodus from the farms was responsible for the loss of population in small communities. Those with less than 2,000 inhabitants, which are reckoned as rural, constituted 32.8 percent of the population in 1932 and 30.1 percent in 1939. They decreased by 960,000 persons, or 4.6 percent of the population,

<sup>6</sup> *Ibid.*, August 25, 1939, p. 2337.

<sup>7</sup> Guenther Pacyna, in *Nationalsozialistische Landpost*, March 3, 1939.

<sup>8</sup> Rudolph Gerhart, in *Nationalsozialistische Landpost*, April 28, 1939, quoted in Institut für Konjunkturforschung, *Halbjahrsberichte zur Wirtschaftslage 1939-40*, no. 1, p. 10.

while cities with more than 100,000 inhabitants increased by 1.3 percent, those with 50-100,000 by 3.1 percent, 20-50,000 by 6.4 percent, 10-20,000 by 6.5 percent.<sup>9</sup> The distribution of these increases indicates the shift of industry to smaller cities.

Many factors contributed to the flight from the land. Opportunities for farm workers to migrate to industrial work were better than they had ever been. Industries had been transferred to the country, taking only their skilled workers with them, and new industries were being built up in areas far from the cities. Since they paid higher wages than farm workers received and demanded shorter hours they were very attractive to the agricultural laborers and to those peasant sons and daughters who had no prospects on hereditary farms. Furthermore, military conscription, which took the farm boy from his home for two years and familiarized him with town life, often left him reluctant to return to the farm.

Once the men had gone into industry, the ensuing overburdening of the peasant women, for whom working days of sixteen to eighteen hours were not exceptional, became another impetus to migration. In Württemberg, where borderlines between peasants and industrial workers were not sharply drawn, industrial workers who lived on a small plot of land had formerly turned to farm work after their day in the factory, but now they found themselves too tired by longer hours and greater strain to till their land. Some leased their property or gave it up; others continued to live on their holdings and work in the city.

Since most of those who migrated to industry were the young and ablebodied, agriculture was left with an unfavorable age structure. In 1938, 66.8 percent of all independent farmers in Württemberg were over fifty years of age; of those engaged in industry and handicraft only 30.6 percent were past fifty.<sup>10</sup>

The regime was disturbed. As early as November 1936, on the Reich Peasant Day, a high official of the Reich Food Estate

<sup>9</sup> *Wirtschaft und Statistik*, 1941, no. 20, p. 374.

<sup>10</sup> *Der deutsche Volkswirt*, August 4, 1939, p. 2178.



reported that farm workers were almost on their knees pleading to be released for industry. Some obtained physicians' certificates of their incapacity for farm work. Others deleted the record of agricultural training from their work books in order to avoid being sent back to farming.<sup>11</sup> Breaches of contract were the order of the day.<sup>12</sup>

These trends were directly opposed to the government aim of making Germany agriculturally self-sufficient and to its policy of maintaining the rural population as the "blood source" of the nation. "The lack of farm labor has become one of the most urgent problems of agricultural production," said one of the chiefs of the Reich Food Estate. "Moreover, a much greater danger is threatening the existence of our nation, that of mental urbanization" (*seelische Verstädterung*). He reported that the rural exodus was more general among the more capable of the younger generation and that tests in elementary schools had shown that the percentage of students migrating to the cities was about twice as high among the gifted as it was among the less gifted. "It is easy to judge what hereditary qualities the German people will have in the future if the least valuable people remain in the country."<sup>13</sup>

By undermining the very foundations of the rural population the migration threatened to alter the whole economic system. The loss of manpower was partly compensated by greater exertion on the part of those who stayed, but this situation served as further inducement to quit the farms. The health of the remaining youth was reported seriously impaired. From 1938 on, it became increasingly clear that intensive methods of cultivation were being displaced by extensive ones and that the number of workers was not sufficient to maintain the rate of production;

<sup>11</sup> *Juristische Wochenschrift*, 1938, p. 777.

<sup>12</sup> Karl Reichardt, in *Archiv des Reichsnährstands*, vol. 4 (1936) p. 251. Reichardt attributed the exodus to the contempt for farm work, the monotony, long hours and low wages, and the compulsion laid upon peasant wives to do farm work.

<sup>13</sup> Jacobus Hugo de Marees van Swinderen, in *Archiv des Reichsnährstands*, vol. 5 (1938) p. 156.

the effects of migration could no longer be counteracted by a further increase in productivity. Whenever possible, farmers reduced the number of milk cows and substituted feed cattle, which require less work, or they offered their cattle for sale because there were no cattle tenders, especially dairymen. "The previously attained level of production, especially in stock farming, is endangered," reported the Institute for Business Research in 1939.<sup>14</sup> And in January of that same year, at the opening of Green Week, an agricultural exhibition, Reichsminister Darré declared: "We have to note that, according to statistics, Germany's future provisions of beef, milk, butter, pork and lard are already endangered by the continued flight from the land."<sup>15</sup>

The measures taken by the government in an effort to maintain the level of production included increased mechanization, the direction of children leaving school into agriculture, mobilization of young persons for land services, mobilization of other labor reserves and of alien workers. In addition, grants of equipment were offered to render farm work more attractive. All these measures, however, failed to check the flight from the land. In March 1939, therefore, the farm population was immobilized by law. If its effort to halt the rural exodus was a decisive test for the National Socialist party, as Darré had declared at the 6th Reich Peasant Day,<sup>16</sup> the party failed to pass.

### III

The grandiose settlement program announced by the Nazis was never carried through. Party propaganda pledged 5 million new peasant settlements, but although the democratic government had established more than 18,100 settlements in the last two years of its regime, the Nazis established only 21,000 in the seven years

<sup>14</sup> Institute for Business Research (Institut für Konjunkturforschung), *Weekly Reports* (in English), February 9, 1939, p. 15 and May 23, 1939, p. 51.

<sup>15</sup> *Frankfurter Zeitung*, January 28, 1939. The reduction of milk cows to the extent of 300,000 head, or 3 percent of the total, had resulted in reduced milk and butter production (Darré, in *Der Vierjahresplan*, 1939, no. 1-2, p. 109).

<sup>16</sup> *Archiv des Reichsnährstands*, vol. 5 (1938) p. 47.

before the outbreak of the war, gradually decreasing the number of new settlements from 4,914 in 1933 to 846 in 1939. These settlements were not sufficient to accommodate the peasants who had been evacuated from their holdings when the land was taken over for the construction of fortifications, troop drill grounds and airports.

The reduction in the number of settlements was largely the result of the scarcity and high price of land, and the policy of diverting human and natural resources to military uses. Lack of land was due in part to military requirements, in part to the immobilization of land in hereditary farms, in part to the refusal of estate owners to sell—land was generally considered the safest form of investment—and, finally, to the government policy of maintaining large estates. The purchase of farms was rendered even more difficult because the formerly propertyless party leaders enjoyed preference in the market. The price increases that resulted from the scarcity of land are reflected by the fact that the average cost of lands acquired for settlement in 1938 amounted to 1,457 marks per hectare as against 643 marks in 1932.<sup>17</sup> In the east the price index rose from 100 in 1933 to 120 in 1936, and in the west to 129.<sup>18</sup> Building costs increased comparably.

The peasant settlement program was only a part of the totalitarian space planning (*Raumsiedlung*) which took cognizance of the requirements of agriculture, industry and transportation as well as the necessities of warfare. This coordination of settlement and defense policies meant, in the first place, that the military authorities' demands for land had priority. Loss of acreage to the armed forces was to be compensated by the reclamation of corresponding areas by the Reich Labor Service. The statistics on arable land show a decrease from 20.5 million hectares in 1933 to 19.2 million in 1938—a loss of 1.3 million hectares in five years, despite the reclamation work.<sup>19</sup>

<sup>17</sup> *Vierteljahrshefte zur Statistik des deutschen Reichs*, 1939, no. 3, p. 4.

<sup>18</sup> *Der deutsche Volkswirt*, January 13, 1939, p. 714.

<sup>19</sup> International Institute of Agriculture, Rome, *International Yearbook of Agricultural Statistics*, 1934-35, p. 22, and 1938-39, p. 23.

Furthermore, industries, with some of their workers, were relocated to the interior of the country, away from regions near the frontiers and vulnerable in time of war. This necessitated a housing program that envisioned wide distribution of the population rather than concentration in cities—a precaution against air attack as well. The housing program was hampered by the huge investment needs of the armament industries, while dispersal of the population came into conflict with the program for defending the cultural frontier against pressure from the Polish side of the eastern border.

The attainment of self-sufficiency in food supply meant preservation of large estates and enlargement of smaller agricultural holdings. The decision in favor of larger and medium-size holders was made after a bitter struggle within the party between the defenders of the party program who advocated small farms, dense population, and an aggressive policy against large estate owners, and the opposition, which demanded an increase in production of staple foods by whatever means it could be achieved. No pressure was exerted for the conversion of large estates into settlements, because of the belief in the greater proficiency of large-scale operations for providing food in the event of war. In the last years before the war, settlement in the sparsely occupied parts of the east had to be almost entirely abandoned. Thus the landless worker of the east remained without a farm.

The population policy aimed to help large families of "best racial heritage." The settler was required to guarantee that his family would remain loyal to the soil for centuries and would be willing and able to defend it against all attacks.<sup>20</sup> "Only racially highly qualified carriers of best blood heritage" (*rassisch hochwertige Träger besten Erbguts*) who, on the basis of preparatory training and character, could guarantee that they were willing to fit into the community of the new peasant village and to found in hard, expert and purposeful work on the allotment

<sup>20</sup> H. Merkel and O. Wöhrmann, *Deutsches Bauernrecht* (Leipzig 1936) p. 43.

a new peasant generation, valuable for the folk community, were settled.<sup>21</sup> Warlike virtues and the desire to have children, as well as thrift and diligence, were primary considerations. Applicants had to provide certificates of their own good health, hereditary health, their desire for offspring, and the wife's fitness to undergo repeated childbearing.

IV

To the flight from the land, prompted by the desire of the farm population to migrate to industry, must be added another rural exodus that resulted from the Nazi autarchy policy. The desire to increase cultivation, combined with the shortage of labor, led the government, from 1937 on, to encourage mechanization of agriculture by subsidies, by tax exemptions for machinery, and by all measures of "advice" and pressure. Special emphasis was laid on the extended use of the small rubber-tired tractor. Since approximately a third of all labor in agriculture is transportation, it was estimated that on small holdings the tractor would save 800 working hours a year and two horses. Only 24,183 tractors were in use for all German agriculture in 1933. By 1939 the number had grown to 66,000,<sup>22</sup> and the manufacture of 50,000 a year was anticipated.<sup>23</sup> According to official estimates, 500,000 were needed.<sup>24</sup>

Mechanization, however, is somewhat dependent on the size of the farm. For the tractor farm, 20, or under particularly fortunate conditions, 10 hectares are needed;<sup>25</sup> smaller farms do not lend themselves to mechanization. The Institute for Business Research estimated roughly that about 50 percent of the estates

<sup>21</sup> Karl Hopp, in *Deutsche Justiz*, 1935, p. 1618.

<sup>22</sup> *Wirtschaft und Statistik*, 1941, no. 3, pp. 54-55.

<sup>23</sup> Reichs-Kredit-Gesellschaft, *Germany's Economic Situation at the Turn of 1938-39*, p. 48.

<sup>24</sup> *Der Vierjahresplan*, 1939, p. 577. Unofficial figures estimate that the number had increased to 67,000 at the end of 1941, when further mechanization was halted. It may be noted, for purposes of comparison, that the United States had 1.62 million tractors in use in 1939.

<sup>25</sup> *Der deutsche Volkswirt*, July 9, 1939, p. 1775.

of 10-20 hectares and about 80 percent of those over 20 hectares could use the tractor.<sup>26</sup> Wherever farms were divided into separate parcels, use of the tractor was impossible. Thus mechanization implied the need for drastic modifications in the structure of peasant farming.

At the end of 1938, articles in the press pointed to the impossibility of rationalizing small farms and advocated the abolition of non-mechanizable holdings. In 1939 announcement of the program for doubling the tractor output was the signal for field correction and expropriation. There were in the Reich, in 1937, 1,386,054 farms of 2-10 hectares, and 388,983 farms of 10-20 hectares,<sup>27</sup> many of which consisted of scattered strips. All of them were in the hands of individuals. The projected changes in German farming are still more striking if we consider that, according to the census of 1925, 3,921,885 farms, or 77 percent of the total, were smaller than 5 hectares, and 4,878,040, or 96 percent of the total, contained less than 20 hectares.<sup>28</sup> These small farmholders cultivated over 53 percent of the total agricultural area. To mechanize such a farming system would have meant complete revolution.

Consolidation was to be carried through in such a way that the farmers with little property would be doomed. In the spring of 1939, *Der deutsche Volkswirt* reported: "The agricultural leadership has virtually decided in favor of intensified use of tractors on properties qualified by the size of the area under cultivation. This forecasts a gradual elimination of the smaller farms and a fundamental structural change in the southwestern farming properties."<sup>29</sup>

The resettlement plan for Württemberg would have meant a

<sup>26</sup> Institut für Konjunkturforschung, *Wochenbericht*, 1939, no. 22, p. 142.

<sup>27</sup> *Wirtschaft und Statistik*, 1940, no. 7-8, p. 117.

<sup>28</sup> *Das landwirtschaftliche Bildungs- und Beratungswesen in Deutschland. Ausschuss zur Untersuchung der Erzeugungs- und Absatzbedingungen der deutschen Wirtschaft*, Part II, vol. 14, p. 2.

<sup>29</sup> *Der deutsche Volkswirt*, April 28, 1939, p. 1458; see also *ibid.*, August 25, 1939, p. 3212.



reduction of the number of farms larger than 2 hectares by 68,148 or nearly 43 percent. Agriculture would have lost 100,000 workers, including working members of the family, a loss that would have necessitated the employment of foreign workers. The type of peasant who combined industrial and agricultural work, so characteristic of this section, would have disappeared.<sup>30</sup> In the Rhön mountain district 11,552 of the 13,735 farms were declared "unable to survive."<sup>31</sup>

The removal of small holders was to be achieved by various devices of a political nature, or with the aid of legislation. The most conspicuous procedure was consolidation of holdings into larger units. The regrouping effected by former governments had meant merely bringing together scattered patches and strips (without footpaths) into compact fields. Its aim was to abolish the compulsory succession of agricultural operations resulting from the involved position of the allotments, whereby all the owners were forced to till the allotments and harvest the crops at the same time. Majority consent had been needed to regroup the land of a village, and in some fifty years no more than 2.9 million hectares had been consolidated.<sup>32</sup> In no case had this consolidation meant expropriation; it was, instead, an exchange of strips. The reform had been hampered by the conservatism of the peasants and their attachment to their property, and by the high costs of making the exchange, which were estimated at 500-800 marks per hectare.<sup>33</sup> Under the National Socialists, of course, costs could be somewhat reduced because the labor service provided cheap labor.

The law that came into force on January 1, 1938, concerning the regrouping of strip farms and superseding existing state laws,

<sup>30</sup> Adolf Münzinger, "Die württembergische Wirtschaft—Vorbild für den Osten?" in *Raumforschung und Raumordnung*, 1943, no. 5-6, p. 156.

<sup>31</sup> Anton Betzner, in *Frankfurter Zeitung*, April 3, 1938.

<sup>32</sup> Werner Henkelmann, "Grundstückszusammenlegung und Erbrechtsreform" (pp. 604 ff.) and Ludwig Wilhelm Ries, "Arbeitsrationalisierung" (p. 263), in *Deutsche Agrarpolitik*, ed. by Fritz Beckmann and others (Berlin 1932).

<sup>33</sup> Henkelmann, *op. cit.*, p. 606.

substituted compulsion for democratic consent.<sup>34</sup> The simplified procedure was intended to speed the consolidation by disregarding the claims and wishes of the landowners. Consolidation was officially inaugurated by the authorities whenever they found it necessary for military purposes, agricultural efficiency or other reasons. Only the local and state peasant leaders and party and community officials were to be consulted. Collaboration of the Reich Food Estate supplanted the influence of the participants.<sup>35</sup> The Minister of Agriculture had the final decision.

Regrouping was accelerated, but not to the extent that the government desired.<sup>36</sup> That portion of the consolidated land not needed for army purposes was used for ameliorations, for compensation to farmers whose estates had been reduced by army requisitions, and for concentration of small holdings in the hands of a single holder as an hereditary farm. In 1938 only 5,200 hectares were used for new settlements. According to semi-official estimates, the total area needed for consolidation amounted to 8-9 million hectares (including Austria). With the then existing number of survey officials, the execution of such a program would have required from 25 to 30 years.<sup>37</sup>

The new consolidation included regrouping of uneconomically farmed land, and it meant uprooting hundreds of thousands of small holders. To be sure, consolidation as such is a means of heightening agricultural efficiency wherever plots are so scattered

<sup>34</sup> Reichsumlegungsgesetz of June 26, 1936, *Reichsgesetzblatt*, 1936, I, p. 518, and decree of June 16, 1937, *ibid.*, I, pp. 629, 654; decree of February 14, 1940, *ibid.*, I, p. 366.

<sup>35</sup> Werner Willikens, a high official in the Ministry of Agriculture, in *Recht des Reichsnährstands*, 1939, no. 23, p. 876.

<sup>36</sup> Consolidations amounted, annually, to 95,000 hectares between 1933 and 1936, 105,000 in 1937, 125,331 in 1938 (*Wirtschaft und Statistik*, 1938, no. 19, pp. 793-94; *ibid.*, 1939, no. 24, pp. 771 ff.); for 1939 a consolidation of 150,000 hectares was expected. The number of allotments marked for consolidation in 1937 was 363,000, and in 1938, 438,000; the decrease of allotments by consolidation amounted to about 56 percent.

<sup>37</sup> *Der Vierjahresplan*, 1939, no. 23, pp. 1326-27. Corresponding legislation was enacted in France under the National Socialist regime (*Journal Officiel de la République Française*, April 18, 1941).

that draft and labor are wasted and orderly crop rotation is impeded. The regime undoubtedly intended to increase efficiency, to create a network of roads and to regulate water conditions. The reform, however, was carried through without any consideration for the landowner, and was used as a means of eliminating farmers who did not pass the eugenics test. It was supported by a policy of abolition of *Allmende* (common land which the peasant had the right to use and which often provided him with his only source of pasturage for livestock and wood for fuel). In Baden 21.9 percent of all landholders, most of them small farmers, had the right to use the *Allmende*. By laws of January 9, 1934,<sup>38</sup> and June 3, 1938,<sup>39</sup> the communities were required to withdraw the use of communal land from the peasants if the Minister of the Interior should declare another important use for it. In Hesse, by law of January 27, 1934,<sup>40</sup> the Minister of State was empowered to declare the use of *Allmende* abolished in the public interest.

How drastic such measures were can be understood only in the light of the fact that hundreds of thousands of peasants would have had to leave their lands, despite the traditional German relation to the soil. Farming, in Germany, means long ownership of the same soil and the same house. Some farms have been worked for a thousand years by successive generations of one family, and villagers have thus developed a strong feeling of unity through their common tradition. The German farmer will never move to another part of the country because he believes conditions are better there. The soil of his father is his fate. Dispossession for him means indescribable anguish.

Under the new system of consolidation, agriculture would have taken on the character of large-scale industry. Small units would have disappeared. Centralization would not have stopped at the 20-hectare holdings, because it would soon have been dis-

<sup>38</sup> *Badische Gesetz und Verordnungsblatt*, 1934, p. 13.

<sup>39</sup> *Ibid.*, 1938, p. 47.

<sup>40</sup> *Gesetzes Sammlung für den Freistaat Hessen*, vol. 33 (1934) p. 7.

covered that the more continuous use of machinery on large estates would mean even greater savings in labor and production costs. The tractor is far more than a mere substitute for horses; it requires changes in the design and use of farm machines, and in farm organization, and becomes, in time, the dominant force in determining the scale of farm operations.

The creation of the hereditary farm system (*Erbhof*) showed that the government did not intend to introduce the Russian system of grain factories. The shortage of labor, however, and the desire to increase output might eventually have compelled the government to sponsor large, highly mechanized farms with few workers. It was the opinion in influential National Socialist groups that the era of peasant farming would automatically end with the introduction of modern machinery and modern methods of farming, but the government was afraid of proclaiming officially any change in its attitude toward the peasants.

The war slowed up the "reform" and conquest changed its character. According to a decree issued in the summer of 1940,<sup>41</sup> a new tractor would be obtainable only when a farmer's old one was beyond repair, and then with the proviso that the old tractor be relinquished to the government for scrap metal. The use of the tractor was allowed only for agricultural, not stationary work.<sup>42</sup> In 1942 the gasoline shortage limited the use of the small number of tractors on the farms to ten days a month.

When changes of ownership were barred in 1942, the situation was stabilized and the small owner was protected against loss of his holding for the duration of the war. In the spring of that year a voluntary exchange of pieces of land (*Landnutzungstausch*) between farmers was inaugurated. In order to avoid surveying the land, only fields of similar quality and location were to be exchanged.<sup>43</sup> Property rights were not to be changed, nor was the final postwar regulation to be prejudiced.<sup>44</sup> Although pre-

<sup>41</sup> U. S. Department of Agriculture, *Foreign Agriculture*, January 1942, p. 21.

<sup>42</sup> Order of November 24, 1939, cited in *Der Vierjahresplan*, 1940, p. 9.

<sup>43</sup> *Kölnische Zeitung*, February 27, 1943.

<sup>44</sup> *Völkischer Beobachter*, July 29, 1944.

sumably the exchange was to be achieved by voluntary agreement, it was made clear that "those who resist can be forced."<sup>45</sup> Up to January 1944, 200 such exchanges had been made.<sup>46</sup>

V

The cessation of settlement in the Reich and of the consolidation projects gains full significance only in the light of the aggressive expansion policy of the National Socialist government. Settlement space was to be provided by conquest of new lands and displacement of their residents by Germans.<sup>47</sup> More than 1.5 million Poles and Jews were expelled in the first two years of National Socialist occupation of Poland.<sup>48</sup> Similarly, tens of thousands of Alsatians were expelled to France, Czechs were driven from their homeland, Slovenes deported to Serbia.

It was easier, however, to evacuate the native population than to replace it with Germans. New settlers in the former Polish territories were to be peasants from the west, but, according to Hitler, their transfer had to be postponed until after the war, in order to give the soldiers a chance to participate in the resettlement. Actually, compulsory removal to the unfriendly east would have met with so much resistance and stirred up so much unrest that the government did not dare to start it during the war. Germanization nevertheless had to be achieved. "If we do not succeed in settling these territories with Germans," said the *Reichsarbeitsblatt*, "if we do not succeed in having the work of the German soldier carried on and completed by the German farmer and peasant, then we shall not be able to keep the land that we have won with the sword. For history teaches us that every people that deserts the land, every people that leaves the

<sup>45</sup> *Die deutsche Volkswirtschaft*, 1 Maiheft 1943, no. 13, p. 414.

<sup>46</sup> *Ibid.*, 1 Januarheft 1944, p. 10.

<sup>47</sup> The necessity of conquering new territories is emphasized in *Mein Kampf* as well as in innumerable speeches of Hitler's as "a sacred right of acquiring that territory which alone will provide the daily bread for the increase in population. To whom the Lord gives life, to him He will also give territory if he will but take it" (*Völkischer Beobachter*, November 23, 1927).

<sup>48</sup> Simon Segal, *The New Order in Poland* (New York 1942) p. 56.

tilling of its own soil to foreign races will sooner or later have to yield to a race of peasants, for only a race of peasants can outlast a foreign domination."<sup>49</sup>

To overcome the Germans' resistance to migrating to the east, extensive tax exemptions, subsidies, priorities in the allotment of raw materials and equipment, and lavish credits were offered. But that even those Germans who heeded the plea to settle in the east lacked the colonizing spirit was revealed in the bitter attacks of district leaders against the ones who said, "I will remain here a few years, and when I have saved enough I will return to my home, for which this country is not a substitute." "As representative of the Führer," District Leader Greiser of Posen declared to the Baltic Germans: "A return to your former homes is out of the question. I expect from all of you that all discussion will now cease and that you will accept the duty that has been laid upon you."<sup>50</sup>

When Germans failed to pour into the emptied space in sufficient numbers, *Volksdeutsche*<sup>51</sup> from the Government General were sent to the incorporated Polish areas. At the close of 1941 the Governor General could state that one million had found new homes in Germany. After that, no further transfer was made. Another group designated to Germanize the conquered territories and to settle in Alsace Lorraine, Luxemburg, Sudetenland, Slovenia, the Polish provinces, and the Protectorate were those "led back to the Reich" (*Rückgeführte*), later referred to as resettlers (*Umsiedler*).<sup>52</sup> They were *Volksdeutsche* who had lived in the Tyrol, Estonia, Latvia, Lithuania, Wolhynia, Eastern Galicia, Bessarabia and Dobruja. According to the treaties concluded with their respective governments, they had to "return" to the Reich whether they liked it or not, although, in many cases, their

<sup>49</sup> *Reichsarbeitsblatt*, 1941, v, p. 540.

<sup>50</sup> *Dziennik Polski*, March 18, 1941.

<sup>51</sup> A decree of January 29, 1940, defined as *Volksdeutsche* "those non-German citizens who confess to be Germans, confirmed by language, attitude, education and conditions."

<sup>52</sup> Decree of October 19, 1940, *Reichsarbeitsblatt*, 1941, II, pp. 36 ff.



ancestors had lived for generations in the country they considered their homeland. About 806,000 persons were thus "returned" to the Reich by the end of 1942.<sup>53</sup>

"Like dams, German settlements are drawn across the land. A barrier is first laid along the frontier, then a strong folk dam across the country. In time the space between will be filled with German settlers. This procedure of nationalization creates strong German islands in the country."<sup>54</sup> All these settlers, however, were not sufficient to fill the gap created by the expulsion of Poles.

The number of farmers among these repatriated families was disappointingly small. Moreover, the newcomers were not wholly efficient because they had to adjust themselves to new soil and new conditions and frequently they were unfamiliar with the modern agricultural methods used in Germany. Following the outbreak of the German-Soviet war, transportation difficulties increased. Colonization therefore had to be halted soon after it had begun. The eviction of Poles ceased. A people without living space was confronted by a space without people.<sup>55</sup>

VI

German agriculture furnishes the most striking example of the inconsistencies between the romantic program of the National Socialist party, with its promises of liberation, its preservation and revival of traditions, and the cold facts of rationalization. The only parts of the program that were actually carried through were immobilization of the peasantry and the conquest of foreign territory.

<sup>53</sup> *Die deutsche Volkswirtschaft*, April 1943, p. 344.

<sup>54</sup> Hedwig Neumeister, "Von Hof zu Hof. Ein Stück der modernen Völkerwanderung im Osten," in *Soziale Praxis*, December 15, 1940, p. 756.

<sup>55</sup> "The proportions between space and people have been reversed. The problem of how to feed a great people in a narrow space has changed into that of the best way of exploiting the conquered spaces with the limited number of people available" (quoted from *Deutsche Allgemeine Zeitung*, July 22, 1942, by Eugene M. Kulischer, *The Displacement of Population in Europe*, International Labour Office Studies and Reports, Series O, no. 8, p. 27).

In the National Socialist program the inherent contradictions between the attempt to increase production and accelerate rearmament, and the attempt to maintain the peasant farm as a desirable unit, proved irreconcilable. Despite the glorification of the peasant and the soil, the agricultural area in the Old Reich decreased, and, even before the war, men on the farms were displaced by women and German workers by foreigners. The nostalgia for the pre-industrial, pre-capitalistic age had no practical results. The demands of war industry were more persuasive than the ideological requirements of blood and soil. While eulogizing the farmer's devotion to the land on which his family had dwelt for hundreds of years, the regime was quite ready to deport him to remote parts of the continent and force him to live as a squatter on a foreign soil.

# THE THEOLOGICAL BACKGROUND OF THE PHILOSOPHY OF HISTORY

BY KARL LÖWITH

THE term "philosophy of history" was invented by Voltaire, who used it for the first time in its modern sense, as distinct from the theological interpretation of history. In Voltaire's *Essai sur les mœurs et l'esprit des nations* the leading principle was no longer the will of God and divine providence but the will of man and human reason. With the gradual dissolution of the eighteenth-century belief in reason and progress the philosophy of history became more or less homeless. The word is still used, even more widely than before, but its content has been diluted in such a way that any thought on history may call itself a philosophy. The label "philosophy," as it is nowadays so cheaply used (philosophy of life, of business, and even of camping), does not indicate a specific philosophy but merely public and private opinions. In the following discussion "philosophy of history" is used to mean a systematic interpretation of universal history in accordance with a principle by which historical events and successions are unified and directed toward an ultimate meaning.

## I

It is the privilege of theology and philosophy, as contrasted with the sciences, to ask questions that cannot be answered on the basis of empirical knowledge. All the ultimate questions concerning first and last things are of this character, unanswerable but significant. They signify a fundamental quest. There would be no search for the meaning of history if its meaning were manifest in historical events. It is the very absence of meaning in the events themselves which motivates the quest. Conversely, it is only within a preestablished horizon of ultimate meaning, however hidden it may be, that actual history seems to be mean-

ingless. This horizon has been established by history, for it is Jewish and Christian thinking that brought this colossal question into existence. To ask earnestly the question of the ultimate meaning of history takes one's breath away; it transports us into a vacuum which only hope and faith can fill.

The ancients were more moderate in their speculations. They did not presume to make sense of the world or to discover its ultimate meaning. They were impressed by the visible order and beauty of the cosmos, and the cosmic law of growth and decay was also the pattern for their understanding of history. According to the Greek view of life and the world, everything moves within recurrences, like the eternal recurrence of sunrise and sunset, of summer and winter, of generation and corruption. This view was satisfactory to them because it is a rational understanding of the universe, combining a recognition of temporal changes with periodic regularity, constancy and immutability. The immutable, as visible in the fixed order of the heavenly bodies, had a higher interest and value to them than any progressive and radical change.

In this intellectual climate, dominated by the rationality of the cosmos, there was no room for the universal significance of a unique, incomparable historic event. As for the destiny of man in history, the Greeks believed that man has resourcefulness to meet every situation with magnanimity—they did not go farther than that. They were primarily concerned with the *logos* of the cosmos, not with the Lord and meaning of history. Even the tutor of Alexander the Great neglected history, and Plato might have said that the sphere of change and contingency is the province of historiography but not of philosophy. To the Greek thinkers a "philosophy of history" would have been a contradiction in terms. For them history was political history, and as such the proper study of statesmen and historians.

For the Jews and Christians, however, history was primarily a history of salvation, and as such the proper concern of prophets, preachers and teachers. The very existence of a philosophy of

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history and its quest for a meaning is due to the history of salvation; it emerged from the faith in an ultimate purpose. In the Christian era political history, too, was under the influence and in the predicament of this theological background. In some way the destinies of nations became related to a divine or pseudo-divine vocation.<sup>1</sup>

It is not by chance that I have used the words "meaning" and "purpose" interchangeably, for it is mainly purpose which constitutes meaning for us. The meaning of all things that are what they are not by nature but by having been created, either by God or by man—for example, all the implements of our civilization—depends on man's purposes. A chair has its meaning, that is, of being a "chair," in the fact that it indicates something beyond its material nature: the purpose of sitting on it. This purpose, however, exists only for us who manufacture and use such things. And since a chair or a house or a town or a B-29 is a means to the end or purpose of man, the purpose is not inherent in but transcends the thing. If we abstract its transcendent purpose a chair becomes a meaningless combination of wooden pieces.

The same is true in regard to the formal structure of the meaning of history. History, too, is meaningful only by indicating some transcendent purpose beyond the actual facts. But since history is a movement in time the purpose is a goal. Single events as such are not meaningful, nor is a mere succession of events. To venture a statement about the meaning of historical events is possible only when their *telos* becomes apparent. When a historical move-

<sup>1</sup> See H. Kohn, "The Genesis of English Nationalism," in *Journal of the History of Ideas*, vol. 1 (January 1940); H. D. Wendland's article on "The Kingdom of God and History," in *The Official Oxford Conference Books*, vol. 3 (Chicago and New York 1938) pp. 167 ff. The secular messianism of western nations is in every case associated with the consciousness of a national, social or racial vocation which has its roots in the religious belief of being called by God to a particular task of universal significance. This holds true for England and the United States as well as for France, Italy, Germany and Russia. Whatever form the perversion of a religious vocation to a secular claim may assume, the abiding significance in these secularizations is the religious conviction that the world lies in evil and has to be saved and regenerated.

ment has unfolded its consequences we reflect on its first appearance, in order to determine the meaning of the whole, though particular, event—whole by a definite point of departure and a final point of arrival. And if we reflect on the whole course of history, imagining its beginning and anticipating its end, we think of its meaning in terms of an ultimate purpose. The claim that history has an ultimate meaning implies a final purpose or goal transcending the actual events.<sup>2</sup>

The temporal horizon for a final goal is, however, an eschatological future, and the future exists for us only by expectation and hope.<sup>3</sup> The ultimate meaning of a transcendent purpose is focused in an expected future. Such an expectation was most intensely alive among the Hebrew prophets; it did not exist among the Greek philosophers. When we remember that Isaiah II and Herodotus were almost contemporaries we realize the unbridgeable gulf that separates Greek wisdom from Jewish faith. Similarly, the Christian and post-Christian outlook on history is futuristic, perverting the classic meaning of *historein*, which is related to present and past events. In the Greek and Roman mythologies and genealogies the past is re-presented as an everlasting foundation. In the Hebrew and Christian view of history the past is a promise to the future; consequently the interpretation of the past becomes a prophecy in reverse, demonstrating the past as a meaningful "preparation" for the future. Greek philosophers and historians were convinced that whatever is to happen will be of the same pattern and character as the past and present events; they never indulged in the prospective possibilities of the future.

<sup>2</sup> This identification of meaning and purpose is not intended to exclude the possibility of other systems of meaning, but merely to accentuate the formal and at the same time historical structure which is basic for a philosophy of history in the strict sense of the term. To the Greeks, for example, historical events and destinies were certainly not simply meaningless; they were full of import and sense, but they were not meaningful in the sense of being directed toward an ultimate end in a comprehensive purpose, a purpose that comprehends the whole course of history.

<sup>3</sup> See Augustine, *Confessions*, XI.



This general thesis can be substantiated by reference to Herodotus, Thucydides and Polybius.<sup>4</sup> Herodotus' concern was to give a record of things that had happened, "in order that the memory of the past may not be blotted out from among men by time" and "that great deeds may not lack renown." The "meaning" of the recorded events is not explicit and does not transcend the single events, but is implied in the stories themselves. What they mean is simply what they point out by having a point. Behind these obvious meanings there are also half hidden meanings, occasionally revealed in significant words, gestures, signs and oracles. And when at certain moments the actual human deeds and events coincide with superhuman intimations, then a circle of meaning is completed, wherein the beginning and the end of a story illuminate each other. The temporal scheme of Herodotus' narrative is not a meaningful course of universal history aiming toward a future goal, but, like all Greek conception of time, is periodic, moving within a cycle.

In Thucydides the religious background and the epic features of Herodotus' historiography, which never clearly defines the borderline between the human and the divine, are definitely replaced by a strict investigation of the pragmatic concatenations. History was to him a history of political struggles based on the nature of man. And since human nature does not change, events that happened in the past "will happen again in the same or in a similar way." Nothing really new can occur in the future when it is "the nature of all things to grow as well as to decay." It may be that future generations and individuals will act in certain circumstances more intelligently, but history as such will not essentially change. There is not the least tendency in Thucydides to judge the course of historical events from the viewpoint of a future which is distinct from the past by having an open horizon.

<sup>4</sup> Herodotus 1, 1; see Karl Reinhardt, "Herodots Persergeschichten," in *Geistige Überlieferung*, ed. by Ernesto Grassi (Berlin 1940) pp. 138 ff., and C. N. Cochrane, *Christianity and Classical Culture* (New York 1940) Chapter 12. Thucydides 1, 22; II, 64. Polybius 1, 35; VI, 3, 9, 51, 57.

Only Polybius seems to approach our concept of history, by representing all events as leading up to a definite end: the world dominion of Rome. But even Polybius had no primary interest in the future as such. Rather he wished to instruct his readers how to learn from the study of history what is best "at every time and in every circumstance." To him history revolves in a cycle of political revolutions, wherein constitutions change, disappear and return in a course appointed by nature. As a result of this natural fatality, the historian can predict the future of a given state. He may be wrong in his estimate of the time the process will take, but if his judgment is not tainted emotionally, he will very seldom be mistaken regarding the stage of growth or decline it has reached and the form into which it will change.

The very fact that Polybius felt no difficulty in prognosticating future developments indicates the fundamental difference between the classic and the Christian outlook and attitude in regard to the future. To Polybius it was "an easy matter" to pronounce and foretell the future, "by inference from the past." To the Old Testament writers only the Lord Himself could reveal, through His prophets, a future which is out of proportion to all that has happened in the past and which cannot be inferred from the past as a natural consequence. Hence the fulfilment of prophecies as understood by the Old and New Testament writers is entirely different from the verification of prognostications concerning historico-natural events. However predetermined the future may be by the will of God, it is determined by a personal will and not by natural fatality, and man as such can never foretell it unless God reveals it to him. And since the final fulfilment of the Jewish and Christian destiny lies in an eschatological future, the issue of which depends on man's faith and will and not on a natural law of pragmatic history, the basic feeling in regard to the future becomes one of suspense in the face of its theoretical incalculability.

Thus far Burckhardt's thesis holds true that what separates us most deeply from the ancients is the fact that they believed

in the possibility of foreknowing the future, either by rational inference or by the popular means of questioning oracles and practicing divination, while we do not. Burckhardt's own predictions about the future of Europe do not contradict this thesis, for he never pretended to know by theory the possibilities of the future like definite facts of the past. But what about Tocqueville, Toynbee, Spengler, who prognosticate future developments theoretically, by inference from the past and from a model case? Is it for them, too, an "easy matter" to foretell what will happen? Certainly not. Their belief in a historical destiny is not a single-minded acceptance of fate; it is profoundly ambiguous, as a result of their counterbelief in man's own responsibility through decision and will, which is always a will to a future still open for possibilities. When Spengler determines his supreme category of "destiny" by an irreversible "historical time," directed toward the future, he actually interprets pagan fate by Christian eschatology.

The historical sense of Polybius was essentially concerned with Rome's history, that is, with past events progressing toward the present power of Rome. The historical sense of modern historians who can be compared with him is essentially concerned with Europe's future, from there regressing toward its history. The classic historian asks, how did it come about? The modern historian who is in line with the Christian tradition asks, how shall we go ahead? In the words of Hermann Cohen, freely translated: "The concept of history is a product of prophetism. . . . What Greek intellectualism could not produce, prophetism has achieved. In the Greek consciousness *historein* is equivalent to inquiry and knowledge. To the Greeks history remains something we can know because it is a matter of fact, that is, of the past. The prophet, however, is a seer, not a scholar; his prophetic vision has created our concept of history as the being of the future. Time becomes primarily future, and future the primary content of our historical thought. For this being of the future 'the creator of heaven and earth' is not sufficient. He has to

create 'a new heaven and a new earth.' In this transformation the idea of progress is implied. Instead of a golden age in the mythological past, the true historical existence on earth is constituted by an eschatological future."<sup>5</sup>

Just as this perversion of the classic meaning of *historein* has its origin in the Jewish and Christian concern with the future, so the concept of history as universal history derives from the Jewish faith in one universal God. When Isaiah II describes the future glory of the new Jerusalem, his religious nationalism is actually universalism. "Mankind," however, has not existed in the historical past, nor can it exist in any present. It is an idea and an ideal of the future, the necessary horizon for the new concept of history and for its universality.

We of today, concerned with the unity of universal history and with its progress toward an ultimate goal, or at least toward a "better world," are still in the line of prophetic and messianic monotheism; we are still Jews and Christians, however little we may think of ourselves in those terms. But within this predominant tradition we are also inheritors of the classic wisdom. We are in the line of classic polytheism when we are concerned with the plurality of various cultures as such, exploring with boundless curiosity the whole natural and historical world for the sake of a disinterested knowledge which is quite apart from an interest in salvation.

Nevertheless we are neither ancient Ancients nor ancient Christians, but moderns, that is, a more or less inconsistent compound of both traditions. The Greek historians wrote pragmatic history centered around a great political event; the fathers of the church developed from Jewish prophecy a theology of history focused on the supra-historical events of creation, incarnation and consummation; the moderns elaborate a philosophy of history by secularizing theological principles and applying them to an ever increasing number of empirical facts.

<sup>5</sup> Hermann Cohen, *Die Religion der Vernunft aus den Quellen des Judentums* (Leipzig 1919) pp. 307 ff., 293 ff.

The elaboration of these reflections may profitably start with an analysis of Burckhardt's *Reflections on History*, and then work backwards to the Jewish-Christian understanding of history by faith.

## II

From the beginning Burckhardt declares that his *Weltgeschichtliche Betrachtungen* cannot and will not compete with a philosophy of history. His task is more modest. He will merely "link up a number of observations and inquiries to a series of half-random thoughts." He rejects any attempt to form a "system" and any claim to "historical ideas." The philosophy of history is to him a contradiction in terms, inasmuch as history coordinates observations while philosophy subordinates them to a principle. He likewise dismisses any theology of history. "The amelioration offered by religion is beyond our scope." The religious solution of the meaning of history belongs, he says, to a "special faculty" of man, to faith, which Burckhardt did not pretend to have.

He refers to Hegel and Augustine as the two who made the most outstanding attempts to explain history systematically by a principle: by God or the absolute Spirit, working out their purpose in history. Against Hegel's theodicy Burckhardt insists that the reasonableness of history is beyond our ken, for we are not privy to the purpose of eternal wisdom. Against Augustine's religious interpretation he says, "To us it does not matter." Both transcend our possible, purely human wisdom. Philosophy and theology of history have to deal with first beginnings and ultimate ends, and the profane historian cannot deal with either of them. The one point accessible to him is the permanent center of history: "man, as he is and was and ever shall be," striving, acting and suffering. The inevitable result of Burckhardt's refusal to deal with ultimate ends is his complementary resignation concerning ultimate meaning. He asks himself, "How far does this result in skepticism?" and he answers that true skepti-

cism certainly has its place in a world where beginnings and end are unknown, and where the middle is in constant motion.

And yet there is some kind of permanence in the very flux and course of history, and that is its continuity.<sup>6</sup> This is the only principle discernible in Burckhardt's *Reflections on History*, the one thin thread that holds together his observations after he has dismissed the systematic interpretations by philosophy and theology. The whole significance of history depends for Burckhardt on continuity, for even the most radical crisis is characterized as an historical one only in so far as it does not disrupt continuity but directs it into new channels.

Continuity as understood by him is more than mere going on, and it is less than progressive development. It is less than progressive because it does not imply the complacent assumption that the whole process of history has the purpose of leading up to our contemporary mediocrity as its goal and fulfilment. According to Burckhardt, man's mind and soul were complete long ago. And continuity is more than mere going on, because it implies a conscious effort in remembering, renewing and also superseding our heritage, instead of merely accepting the cake of custom. Conscious historical continuity constitutes tradition, and frees us from it. The only people who renounce this privilege of historical consciousness are primitive and civilized barbarians. Spiritual continuity, as constituted by historical consciousness, is "a prime concern of man's existence," because it is the only proof of "significance of the duration of our existence." Hence we must urgently desire that the awareness of this continuity should remain living in our minds. Whether such continuity exists outside our historical consciousness, in a divine mind concerned with human history, we can neither tell nor imagine.

<sup>6</sup> See Vladimir G. Simkhovitch, "Approaches to History," in *Political Science Quarterly*, vols. 44 and 45 (1929 and 1930), containing a critical discussion of the historico-genetic method by which new beginnings, breaks and changes are looked at with an a priori scheme of mere continuity—as if the actual aim and purpose of a new historical effort could be understood by going backward to its antecedents. See also R. E. Fitch, "Crisis and Continuity in History," in *Review of Religion*, vol. 8 (March 1944).



Burckhardt's emphasis on continuity as an essential desideratum is the more remarkable as it is the only *Wünschbarkeit* which he exempts from his devastating criticism of desiderata as standards of historical judgments. Historical continuity and consciousness have an almost sacramental character to him; they are his "last religion." Only in regard to those events which have established a *continuum* of western tradition does Burckhardt retain an element of teleological, if not providential, interpretation.<sup>7</sup>

Our own historical continuity, he declares, was created primarily by the Hellenization of the east after Alexander, the political and cultural unification under Rome, and the preservation of the whole complex of ancient western culture by the Christian church. "Here, on the grand scale, we can discern a historical purpose which is, to us at any rate, apparent, namely the creation of a common world culture, which also made possible the spread of a world religion, both capable of being transmitted to the Teutonic barbarians of the *Völkerwanderung* as the future bond of a new Europe." He adds, however, that the Roman empire was inaugurated by the most frightful methods and completed in rivers of blood. And the question whether the forces that succumbed were perhaps nobler and better cannot be silenced by reference to the fact that there is nothing more successful than success.

However creative great upheavals and destructions may turn out to be, Burckhardt maintains, evil remains evil, and we cannot fathom the economy of the world's history. If there is anything to be learned from the study of history, it is a sober insight into our real situation: struggle and suffering, short glories and long miseries, wars and intermittent periods of peace. All of them are equally significant, and none of them reveals an ultimate meaning in a final purpose. "Ripeness is all."<sup>8</sup> The existence of the many is at all times and everywhere such that "it just com-

<sup>7</sup> See J. H. Nichols' introduction to the translation of Burckhardt's *Reflections on History*, ed. by Nichols (New York 1943) p. 75.

<sup>8</sup> *Ibid.*, p. 369. The quotation is from King Lear v, 2.

pensates the trouble," while the most grandiose decisions and efforts may also result in an ordinary destiny.

The only sound conclusion to be drawn from this spectacle is not a consolation with a higher world plan but a more moderate "taxation" of our earthly existence. Neither does the historical greatness of a nation make up for the annihilation of one single individual nor are nations as such entitled to a permanent existence. The balance between fortune and misfortune in history is kept not by a providential design but by the frailty of gain as well as of loss, and we are at a loss when we try to assess the historical losses and gains.

At the beginning of his lecture on "Fortune and Misfortune in History" Burckhardt illustrates our average judgments as follows: "It was fortunate that the Greeks conquered Persia, and Rome Carthage; unfortunate that Athens was defeated by Sparta, and that Caesar was murdered before he had time to consolidate the Roman empire. It was fortunate that Europe held Islam at bay, unfortunate that the German emperors were defeated in their struggle with the Papacy," and the like. But in the last analysis, Burckhardt says, all such judgments annul one another, and the nearer we come to the present the more opinions diverge. If Burckhardt were alive today, and were asked about his judgment in regard to contemporary events, as a European he would probably say that the defeat of Nazi Germany was fortunate and desirable, the rise of Russia appalling and undesirable, though the first depends on the second. As a historian, however, he would refuse to predict whether the alliance and victory of the Allies is ultimately a "fortune" or a "misfortune" in this incalculable world historical process.

It is obvious that on the basis of such an outlook neither a philosophy nor a theology of history can be constructed. The thin thread of mere continuity, without beginning, progress and end, does not support such building. And yet it is the soundest modern reflection on history. It is "modern" inasmuch as Burckhardt understands the classic as well as the Christian position,

without committing himself to either of them. Over against the modern striving for social security, he praises the ancient greatness of passion and sacrifice for the sake of the city-state; over against the modern striving for a higher standard of living, he has a deep appreciation for the Christian conquest of all things earthly through the imitation of Christ. At the same time he knows perfectly well that "the Spirit of Antiquity is not any longer our spirit," and that "from Christianity 1800 years are separating us." The Christian faith and hope in a moral purpose and meaning is toned down in Burckhardt's reflections to blind "desirabilities"—"the deadly enemies of true historical insight."

How different is this modern wisdom of Burckhardt's from all those philosophies of history—from Hegel to Augustine—which definitely knew, or professed to know, the *true* desirability of historical events and successions! However dim and vague or dogmatic and shallow the original faith in God's providential rule and redemptive purpose may have become, the general pattern from Augustine to Hegel was the same: the interpretation of history as a history of fulfilment and salvation. Not as historians and not even as philosophers, but as philosophers with a theological background, were men like Hegel and Marx, Saint-Simon, Turgot, Condorcet and Comte capable of constructing their universal histories of mankind. In the present context only the last and the first of these constructions can be considered: those of Hegel and Augustine.

### III

In his introduction to the *Vorlesungen über die Philosophie der Geschichte* (1830) Hegel describes world history as it appears at a first glance:

. . . we see a vast picture of changes and transactions; of . . . manifold forms of peoples, states, individuals, in unresting succession. . . . On every hand aims are adopted and pursued. . . . In all these occurrences and changes we behold human action and suffering predominant; everywhere something akin to ourselves, and therefore

everywhere something that excites our interest for or against. . . . Sometimes we see the more comprehensive mass of some general interest advancing with comparative slowness, and subsequently sacrificed to an infinite complication of trifling circumstances, and so dissipated into atoms. Then, again, with a vast expenditure of power a trivial result is produced; while from what appears unimportant a tremendous issue proceeds . . . and when one combination vanishes another immediately appears in its place. The general thought—the category which first presents itself in this restless mutation of individuals and peoples existing for a time and then vanishing—is that of change at large. The sight of the ruins of some ancient sovereignty directly leads us to contemplate this thought of change in its negative aspect. . . . But the next consideration which allies itself with that of change, is that change, while it imports dissolution, involves at the same time the rise of a new life, that while death is the issue of life, life is also the issue of death.<sup>9</sup>

The most effective springs of historical action and suffering seem to be human interests, passions and the satisfaction of selfish desires, disregarding law, justice and morality:

When we look at this display of passions, and the consequences of their violence; the Unreason which is associated not only with them, but even (rather we might say especially) with good designs and righteous aims; when we see the evil, the vice, the ruin that has befallen the most flourishing kingdoms which the mind of man ever created; we can scarce avoid being filled with sorrow at this universal taint of corruption; and, since this decay is not the work of mere Nature, but of the Human Will, a . . . revolt of the Good Spirit . . . may well be the result of our reflections. Without rhetorical exaggeration, a simply truthful combination of the miseries that have overwhelmed the noblest of nations and polities, and the finest exemplars of private virtue, forms a picture of most fearful aspect, and excites emotions of the profoundest and most hopeless sadness, counterbalanced by no consolatory result. We endure in beholding it a mental torture, allowing no defence or escape but the consideration that what has happened could not be otherwise; that it is a fatality which no intervention could alter. . . . But even regarding History as the slaughter-bench at which the happiness of peoples, the wisdom

<sup>9</sup> *Lectures on the Philosophy of History*, translated by J. Sibree (London 1900) pp. 75 ff.

of States, and the virtue of individuals have been victimised—the question necessarily arises: to what final aim these enormous sacrifices have been offered.<sup>10</sup>

We all know this “panorama of sin and suffering” which history unfolds. It is the same that Burckhardt has in mind and that Goethe describes in a conversation with the historian Luden. History, says Goethe, is “the most absurd of all things,” a “web of nonsense for the higher thinker.”<sup>11</sup> It is also the same that Thomas Hardy presents in his great drama of the Napoleonic wars, through the comment of the choruses of the years, of the pities, of sinister and ironic spirits and of rumor. The angels are only recording what happens. It is history as it is. Why not stop here instead of asking Hegel’s question: to what final aim are these enormous sacrifices offered time and again? Hegel says that this question arises necessarily in our thinking. The implication is, however, that it arises necessarily in our occidental thinking, which is not satisfied with the pagan acceptance of fate.

After describing history as permanent change, wherein death is the issue of life and life the issue of death, Hegel goes on to say that this is an “oriental” conception, representing the life of nature which, like the mythical phoenix, eternally prepares its own funeral pyre and is consumed upon it, rising from its ashes in a new life. This image, he says, is not occidental. To us history is a history of the Spirit, and though it is also self-consuming it does not merely return to the same form but comes forth “exalted, glorified,” with each successive phase becoming in turn a material on which the spiritual history of man proceeds to a new level of fulfilment. Thus the conception of mere change gives place to one of spiritual perfection, though involved with the conditions of nature.

This occidental conception of history, implying an irreversible

<sup>10</sup> *Ibid.*, pp. 21 ff.

<sup>11</sup> *Goethes Gespräche, Gesamtausgabe*, ed. by Flodoard von Biedermann (2nd ed. Leipzig 1909) vol. 1, pp. 434 ff., vol. 3, p. 137. For a more detailed account of Hegel’s and Goethe’s views of history see Karl Löwith, *Von Hegel bis Nietzsche* (Zurich 1941) pp. 278 ff.

direction toward a future goal, is not, however, merely occidental. It is an essentially Hebrew and Christian assumption that history is directed toward an ultimate purpose and governed by the providence of a supreme insight and will—in Hegel's terms, by spirit or reason as "the absolutely powerful essence." Hegel says that the only thought which philosophy brings to the contemplation of history is "the simple concept of reason" as the "sovereign of the world," and this statement (which was so irritating to Burckhardt) is indeed simple if, as in Hegel, the historical process is understood on the pattern of the realization of the Kingdom of God, and philosophy as an intellectual worship of a spiritualized God.<sup>12</sup>

Having discussed the defects in the classic concept of reason, Hegel deals with the Christian idea of providence. To him providence is a truth that consorts with his own proposition that reason governs the world. The common belief in providence, however, has the philosophical weakness that it is at once too indefinite and too narrow to be capable of application to the entire course of human history. The plan of providence is supposed to be concealed from our understanding. Only in isolated cases, in particular circumstances, is this plan supposed to be manifest, for example when help has unexpectedly come to an individual in great perplexity. But in the history of the world the individuals are peoples and states, and therefore we cannot be satisfied with such a "peddling view of providence."

The concept of providence has to be brought to bear upon the details of the great historical processes. "The ultimate design of the world must be perceived." And if theology fails to explain these processes, then philosophy has to vindicate the Christian religion by demonstrating God's execution of His purpose in history. "Our intellectual striving aims at realizing the conviction that what was intended by eternal wisdom is actually accom-

<sup>12</sup> *Briefe von und an Hegel*, ed. by Karl Hegel (Leipzig 1887) vol. 1, p. 13; *Lectures on the Philosophy of History*, p. 340; introduction to *Lectures on the Philosophy of Religion*, translated by E. B. Speirs and J. B. Sanderson (London 1895).

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plished in the domain of existent, active Spirit, as well as in that of mere Nature. Our mode of treating the subject is, in this aspect, a theodicy, a justification of the ways of God . . . so that the ill that is found in the world may be comprehended, and the thinking Spirit reconciled with the fact of the existence of evil. Indeed, nowhere is such a harmonising view more pressingly demanded than in Universal History."<sup>13</sup>

Thus in Hegel's view the human interests and passions remain what they are, the agents of history, but they are now integrated with the ultimate design which works through them and by means of them with the "cunning of reason."<sup>14</sup> Peoples, like individuals, do not know what they are really driving at; they are tools in the hands of God, in obeying as well as in resisting His will and purpose. Thus the final results of historical actions are always both more and less than what has been intended by the agents; they surpass and even pervert the agents' conscious intentions.

And now, after these preliminary statements, Hegel casts a second glance at the world, which, since it is now perceived with "the eyes of reason," presents in turn a reasonable aspect. This meaningful aspect, reduced to a bare skeleton, is somewhat as follows. The world's history began in the east and ends in the west. It started with the great oriental empires of China, India and Persia. With the decisive victory of Greece over Persia meaningful history shifted to the Mediterranean world, and it ends with the Germanic-Christian empires in the west. Europe is "plainly" the goal of history. In this east-west movement the spirit has been educated to the reality and consciousness of freedom, that is, of coming home after its intrinsic alienation from itself. In the orient only one, the ruler, was free in the sense of unlimited caprice; in Greece and Rome some were free—the free citizens as compared with their slaves; the Germanic world

<sup>13</sup> *Lectures on the Philosophy of History*, p. 16; see also *ibid.*, p. 477.

<sup>14</sup> *Ibid.*, p. 34. The most impressive description of the working of the *List der Vernunft* is contained in a letter of July 5, 1816, on Napoleon; see *Briefe von und an Hegel* (cited above) pp. 401 ff.

has realized, under the influence of Christianity, that man as such is free. The orientals were the childhood of the world, the Greeks and Romans its youth and manhood, the Christian peoples its maturity.

The inner limitation of the classical world was that the ancients were still dependent on external fate, which, through such means as oracles and divinations, conditioned their supreme decisions. Christianity, however, liberated man from any foreign authority by establishing real selfhood in relation to the absolute. "With the setting in of the Christian principle, the earth is circumnavigated and as it were round for the Europeans." With Christ the times are fulfilled and the historical world becomes in principle perfect, for only the Christian God is truly spirit and at the same time man. This principle constitutes the axis on which the history of the world turns. All history moves up to this point, and then from this point.

In other words, the history of the world is to Hegel not incidentally or conventionally but essentially a history B.C. and A.D. Only on this presupposition of the Christian religion as the absolute truth could Hegel construct universal history systematically, from China up to the French Revolution. He is the last philosopher of history because he is the last philosopher whose immense historical sense was still restrained and disciplined by the Christian tradition. In our modern universal histories and historical maps the Christian time reckoning has become an empty frame of reference, accepted conventionally like other means of measurement, and applied to a material multitude of cultures and religions without a center of meaning from which they could be organized, as they were from Augustine to Hegel.

What distinguishes Hegel from Augustine in principle is that Hegel interprets the Christian religion in terms of speculative reason, and providence as "cunning reason." "The process displayed in history," he says, "is only the manifestation of religion as human reason, the production of the religious principle under the form of secular freedom." Thus he concludes the chapter

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on the rise of Christianity with the words: "The discord between the inner life of the heart and the actual world is removed. All the sacrifices that have ever and anon been laid on the altar of the earth are justified for the sake of this ultimate purpose." As the realization of the spirit of Christianity the history of the world is the true theodicy, the justification of God in history.

With this secularization of the Christian faith, or, as Hegel would say, with this concretization of the spirit, Hegel believed himself loyal to the genius of Christianity by realizing the Kingdom of God on earth. And since he transposed the Christian expectation of a final consummation into the historical process as such, he saw the world's history as *Endgeschichte* in itself, unfolding its own judgment historically. *Die Weltgeschichte ist das Weltgericht* is a sentence which is as religious in its original motivation—where it means that the world's history is proceeding toward being judged at the end of all history—as it is irreligious in its secular application—where it means that the judgment is contained in the historical process as such.

Hegel himself did not feel the profound ambiguity in his great attempt to translate theology into philosophy and to realize the Kingdom of God in terms of the world's real history. He felt no difficulty in identifying the "idea of freedom," the realization of which is the ultimate meaning of history, with the "will of God," for as a "priest of the Absolute" he knew this will and the plan of history. He did not know it as a prophet predicting future catastrophe, but as a prophet in reverse, surveying and justifying the ways of the spirit by its successive successes.

It would be easy to point out, a hundred years after Hegel, the limitations of his historical vision and the oddity of some of its applications—for example, to the Prussian monarchy and to liberal Protestantism.<sup>15</sup> His world was still the Christian occident, old Europe. America and Russia, to which he dedicated only a few pages, though pages of remarkable foresight, were only on the

<sup>15</sup> See the excellent essay by J. Plenge, *Hegel und die Weltgeschichte* (Münster 1931).

periphery of his interest.<sup>16</sup> Furthermore, he did not foresee the effects of the technical sciences on the unity of the historical world, united now by all means of rapid communication and yet much less universal in spirit than during the Roman empire and the Middle Ages.

More decisive than the material limitations of Hegel's vision is the inherent weakness of his principle that the Christian religion is realized by reason in the history of the secular world—as if the Christian faith could ever be “realized” at all and yet remain a faith in things unseen! Far more true, and more Christian, is Burckhardt's view of the relation between Christianity and secular culture.<sup>17</sup> Fifteen hundred years of western thought were required before Hegel could venture to translate the theology of history as established by Augustine into a philosophy of history which is neither sacred nor profane, but a curious mixture of both, degrading sacred history to the level of secular history and exalting the latter to the level of the first—Christianity in terms of a self-sufficient *logos* absorbing the Will of God into the spirit of the world and of the nations, the *Weltgeist* and the *Volksgeist*.

#### IV

Augustine's *City of God* (412-426) is the pattern of every conceivable view of history that can rightly be called Christian. It is not a philosophy, however, but a dogmatic-historical interpretation of Christianity. The full title of his work is *De civitate Dei contra paganos*, thus indicating its critical and apologetic purpose. It was occasioned by the sack of Rome by Alaric in

<sup>16</sup> See, besides the *Lectures on the Philosophy of History*, Hegel's letter to a Baltic Baron, which is quoted in K. Rosenkranz, *Hegels Leben* (Berlin 1844) pp. 304 ff. The most elaborate prognostication of Russia's rise and final struggle with Germany is that of Hegel's pupil, Bruno Bauer, *Russland und das Germanentum* (Charlottenburg 1853). See also Napoleon's *Mémorial de Saint-Hélène*, entry of November 1816, and Tocqueville's famous comparison of Russia's and America's potentialities, at the end of the first part of his *Democracy in America*.

<sup>17</sup> *Reflections on History*, pp. 241 ff., and Burckhardt's letters of January 14 and 30, 1844, to the theologian Beyschlag.

410, an event which made an immense impression upon the peoples of the Roman empire, comparable to that of the destruction of Jerusalem upon the Jews and of the fall of Constantinople in the fifteenth century upon the Christian occident. Today the occupation of Vienna and Berlin by the Russians might produce a similar effect upon the peoples of central Europe.

The Romans argued after the sack of Rome that the pagan gods had deserted Rome because of the intrusion of those "atheists" called Christians who had suppressed and abolished the cult of the Roman gods.<sup>18</sup> Augustine's answer was that long before the rise of Christianity the Romans had suffered similar disasters, and that Alaric (who was a Christian) had behaved comparatively well. Polytheistic worship, Augustine argued, does not assure worldly prosperity, and the Roman conquest was due, after all, not only to Roman virtue but also to an unscrupulous policy which did not hesitate at the wholesale extermination of inoffensive populations.

What really matters in history, according to Augustine, is not the transitory greatness of empires but salvation or damnation in a world to come. His fixed viewpoint for the understanding of past and present events is the final consummation in the future: last judgment and resurrection. This final goal is the counterpart to the first beginning of human history in creation and original sin. Between these two supra-historical points of departure and arrival the history of the world is an interim. In Augustine's work only four books out of twenty-two deal, in part, with what we would call history, and its meaning depends entirely on the pre-history and post-history in heaven, on the transcendent beginning and end of incarnation, which is the center.

The substance of the history of man, which is universal because it is united by the one universal God, is a conflict between the *Civitas Dei* and the *Civitas Terrena*. These cities are not identi-

<sup>18</sup> See Adolf von Harnack, "Der Vorwurf des Atheismus in den drei ersten Jahrhunderten, Texte und Untersuchungen," in *Zur Geschichte der Altchristlichen Literatur*, N.S. vol. 13, no. 4 (1905), and Gaston Boissier, *La fin du paganisme* (Paris 1894) vol. 2, pp. 293 ff. and 328 ff.

cal with the visible church and the state, but are two mystical societies constituted by two opposite species of man. On earth the Civitas Terrena begins with Cain the fratricide, the Civitas Dei with his brother Abel. The Civitas Terrena is governed by expediency, pride and ambition, the Civitas Dei by self-sacrifice, obedience and humility. The one is *vanitas*, the other *veritas*. The Civitas Terrena lives by natural generation, the Civitas Dei by supernatural regeneration; the one is temporal and mortal, the other eternal and immortal. The one is determined by love of God, even to the contempt of self, the other by love of self, even to the contempt of God. The children of light consider their earthly existence a means of enjoying God; the children of darkness consider their gods a means of enjoying the world. Thus history is an age-long contest between faith and unbelief.<sup>19</sup>

The saving history of faith is not an empirical fact ready at hand but a succession of faith, while the history of the empires, that is, of sin and death, comes to a real and definite end, which is at the same time a consummation of history and a redemption from it. The historical process as such, the *saeculum*, shows only the hopeless succession and cessation of generations. If seen with the eyes of faith, however, the whole historical process of sacred and secular history appears as a preordained *ordinatio Dei*.

Hence the whole scheme of Augustine's work serves the purpose of vindicating God in history. Yet history remains definitely distinct from God, who is not a Hegelian god in history but the Lord of history. God's dealing in history is beyond our disposal, and His providence overrules the intentions of men (like Hegel's "cunning of reason"). It is in particular the historical destiny of the Jews which reveals to Augustine the *Weltgeschichte* as a *Weltgericht*, and thereby the meaningfulness of purposeful his-

<sup>19</sup> See Goethe's remarkable note in the *West-östlichen Divan* (Israel in der Wüste), that "the proper, unique and deepest theme of all history" is the conflict between faith and unbelief. But this note is remarkable also for its modern modification of the Christian faith into a faith "of whatsoever form." In the last analysis epochs of faith are to Goethe all epochs that are "productive."



tory.<sup>20</sup> This does not mean, however, that we are able to judge by our own wisdom the deserts of earthly kingdoms, which God gives both to pious and to impious men. Only some fragments of meaning can we discern—those that God pleases to manifest to us (v, 21). History is a divinely appointed pedagogy, operating mainly through suffering.

On the basis of this theological framework Augustine distinguishes six epochs, according to the six days of creation. The first extends from Adam to the great flood; the second is from Noah to Abraham, and the third from Abraham to David (with Nimrod and Nimus as their wicked counterparts). The fourth epoch extends from David to the Babylonian Exile, the fifth from there to the birth of Jesus Christ. And finally, the sixth and last epoch extends from the first to the second coming of Christ at the end of the world.

What is new in this traditional division, which was still accepted by Thomas, is the indefiniteness of the duration of the Christian epoch. Lactantius still computed that the world would end at about 500. Augustine refrains from any apocalyptic calculation of the duration of the last epoch. What matters from an eschatological viewpoint is not the negligible difference of a few hundred or few thousand years but the fact that the world is created and transient, not eternal. Besides the division into six epochs, and their analogy with six individual ages (infancy, childhood, youth, early manhood, later manhood, old age), there is also a division into three epochs according to the spiritual progress of history: first, natural religion, before law (childhood); second, under the law (manhood); and third, grace (old age, corresponding to Hegel's *Greisenalter des Geistes*).

In consequence of this strictly religious viewpoint we cannot expect from Augustine a detailed interest in secular history as such. Only two empires represent terrestrial history in his work:

<sup>20</sup> *De civitate Dei* IV, 34; V, 12, 18, 21; XVI, 43; XVII, 16; XVIII, 45 ff. Compare the theological interpretation of the history of the Jews by Bossuet, *Discours sur l'histoire universelle* II, 20, and by Newman, *A Grammar of Assent*, ch. x, par. 2.

that of the Assyrians in the east, and that of the Romans in the west, anticipating Hegel's thesis that all meaningful history moves progressively from the east to the west. Egypt, Greece and Macedonia are scarcely mentioned. Alexander the Great figures only as a great robber who desecrated the temple of Jerusalem by *impia vanitas*. Jerusalem symbolizes the City of God, Babylon and Rome (the second Babylon) the City of Man.

As a Roman citizen, nurtured by Virgil and Cicero, Augustine was not insensible to the greatness and virtue of Rome, whose history too, of course, was a means to the purpose of God (v, 21), but in comparison with Origen and Eusebius his view was considerably detached.<sup>21</sup> He refrains from the traditional harmonization of the Roman empire with the rise of Christianity. "As far as this life of mortals is concerned, which is spent and ended in a few days, what does it matter under whose dominion a dying man lives if they who govern do not force him to impiety and iniquity" (v, 17). His central theme and concern is the eschatological history of faith, which is, as it were, a secret history within the secular history, subterranean and invisible to those who have not the eyes of faith. Only by the expectation of a final triumph, beyond historical time, of the City of God over the city of sinful men, does the whole course of history become progressive, meaningful and intelligible.

To a man like Augustine all our talking about progress, crisis and world order would seem insignificant, for from the Christian point of view there is only one progress, that is, the advance toward an ever-sharper distinction between faith and unbelief, Christ and anti-Christ; and only two crises of real significance, Eden and

<sup>21</sup> See Erik Peterson, *Der Monotheismus als politisches Problem* (Leipzig 1935). One generation after Augustine the traditional allegiance of the Christian apologists to the Roman empire was to change. With the final collapse of Rome and the firm establishment of the barbarians, they accommodated themselves to the new conditions. This can be observed in the universal history of a pupil of Augustine's, Orosius, whose work elaborates the historical perspectives of the City of God. Orosius reconciled himself to the barbarians, arguing that the great disasters of his time might become the dawn of a rejuvenated world, preserving the benefits of Roman civilization, "Romania" though not Roman rule.

Calvary; and only one world order, the divine dispensation, whereas the history of the empires "runs riot in an endless variety of sottish pleasures."

Modern philosophers and even theologians often complain that Augustine's sketch of the world's history is the weakest part of his work, and that he did not do justice to the "intrinsic" problem of historical processes.<sup>22</sup> It is true that Augustine failed to relate the first cause, that is, God's providential plan, to the "secondary causes" operative in the process as such. But it is the very absence of a detailed correlation between secular and sacred events which distinguishes Augustine's Christian apology from Bossuet's more elaborate theology of political history and from Hegel's philosophy of history, both of which prove too much by deducing guarantees of salvation and success from historical events. What seems to us in Augustine a lack of understanding and appreciation of secular history is due to his unconditional recognition of God's sovereignty in promoting and in frustrating or perverting the purposes of man.

To expect from the author of the *Confessions* an historical criticism of empirical facts would be as much out of place as to expect from a modern historian an interest in the problem of bodily resurrection, to which Augustine dedicated the whole of his last book. It is indeed very hard for us to imagine the passion of faith, together with the belief in miracles and in the fulfilment of prophecies, which inspired his work. To understand a mind like that of Augustine we have to forget the standards of history as a "science," and its supreme ambition to manage future events, and to remember the authority of the Bible, in particular the authority of prophetic predictions and of God's unmanageable providence. To Augustine as a Christian the meaning of history is revealed by the revelation of God, in Christ, as the center of history's supra-historical beginning and end.

<sup>22</sup> See the excellent study on Augustine by H. Scholz, *Glaube und Unglaube in der Weltgeschichte* (Leipzig 1911); John Figgis, *The Political Aspects of Augustine's City of God* (London and New York 1921); F. W. Loetscher, "Augustine's City of God," in *Theology Today*, vol. 1 (October 1944).

## v

The problem of history as a whole is indeed unanswerable within its own perspective. Historical processes as such do not bear the least evidence of a comprehensive and ultimate meaning. History as such has no outcome. There has never been and will never be an immanent solution of the problem of history, for man's historical experience is one of steady failure. Christianity, too, as a historical *world* religion, is a complete failure.<sup>23</sup> The world is still as it was in the time of Alaric; only our means of oppression and destruction (as well as of reconstruction) are considerably improved, and adorned with hypocrisy.

The further we go back from the philosophy of history of the eighteenth and nineteenth centuries to its original inspiration in Biblical faith, the less do we find an elaborate plan of progressive history. Hegel is more dogmatic than Bossuet, Bossuet more than Augustine, Augustine more than St. Paul, and in the Gospels I cannot discover the slightest hint of a "philosophy of history." According to the New Testament view, the advent of Christ is not merely a particular though outstanding fact within the continuity of secular history, but the unique event that shattered once and forever the whole frame of secular history by breaking into its natural course, which is a course of sin and death. Only as a secularized and rationalized principle can God's providential purpose be worked out into a consistent system. As a transcendent principle the will of God can never become the subject of a systematic interpretation, revealing the meaning of history in the succession of states or even in the history of the church.

Jesus Christ had no philosophy of history, because His belief in the Kingdom of God, coming as well as at hand, was not a belief in its realization by human efforts in history. In the Gospels there is only one reference to the world's history which separates strictly what we owe to Caesar from what we owe

<sup>23</sup> See N. Berdyaev, *The Meaning of History* (New York 1936) pp. 198 ff.; F. Overbeck, *Christentum und Kultur* (Basel 1919) p. 72.

to God. St. Paul had in a certain way a theology of history, because he understood the succession of Gentiles as a fulfilment of the religious history of the Jews. But he, too, was not concerned at all with secular history. Augustine developed the Christian theology of history on the two opposite levels of sacred and profane history; they meet sometimes, but they are separated by principle. Bossuet restated Augustine's theology of history with a greater emphasis on the relative independence of profane history and on its correlation with sacred history. Hegel translated and elaborated the Christian theology of history into terms of speculative philosophy, thus preserving and at the same time destroying the belief in providence as the leading principle. Comte, Proudhon and Marx discarded divine providence categorically, replacing it by a belief in progress and perverting religious belief into the anti-religious attempt to establish predictable laws of secular history. Burckhardt finally dismissed the theological, philosophical and socialistic interpretations of history, reducing its meaning to mere continuity without beginning, progress and end. He had to overemphasize mere continuity for the very reason that it is the poor remainder of a fuller notion of meaning.

The impossibility of elaborating a progressive system of secular history on the *religious* basis of faith in providence has its counterpart in the impossibility of establishing a meaningful plan of history by means of *reason*. This is corroborated by common sense, for who would dare to pronounce a definite statement on the purpose and meaning of contemporary events? What we see in 1946 is Germany's defeat and Russia's victory, England's self-preservation and America's expansion, China's internal difficulties and Japan's surrender. What we cannot see and foresee are the potentialities of these facts. What became a possibility in 1943 and a probability in 1944 was not yet evident in 1942 and highly improbable in 1941. Hitler could have been killed in World War I, or in November 1939, or in July 1944, instead of finally killing himself. He could also have succeeded.

The apparent contingency of historical events has endless illustrations on a grand scale. Christianity, which seemed to Tacitus and Pliny an insignificant Jewish quarrel, conquered the Roman empire; another quarrel, that of Luther, divided the Christian church. Such unpredictable developments, even when unfolded and established, are not solid facts but realized potentialities, and as such are liable at any moment to become what they were, mere possibilities without a historical body. Christianity could have vanished from the history of the world as classic paganism did, or succumbed to Gnosticism, or remained a small sect. Christ himself could have yielded to the temptation of establishing the Kingdom of God historically among the Jews and on earth. In the perspective of human wisdom and ignorance everything *could* have happened differently in this vast interplay of historical decisions, efforts, failures and circumstances.

It is true that after it reaches a certain climax the general course of historical destinies seems to be final, and therefore subject to prognostication. Europe too had its "prophets"—Baudelaire and Heine, B. Bauer and Burckhardt, Dostoevsky and Nietzsche. But none of them has foreseen the real constellations and the outcome of Europe's agony. What they prognosticate is only the general pattern that history will probably follow. History, instead of being governed by reason and providence, seems to be governed by chance and by fate.

And yet if we reduce the belief in providence to its genuine character, directing individuals and nations not visibly and consistently but in a rather cryptic and intermittent way, it agrees surprisingly well with that human skepticism which is the ultimate wisdom of Burckhardt's reflections on history. The human result, though not the motivation, of skepticism and of faith in regard to the outcome of history is the same: a definite resignation, the worldly brother of devotion, in the face of the incalculability and unpredictability of historical issues. In the reality of that agitated sea which we call history, it makes little difference if man feels himself in the hands of God's inscrutable will or



in the hands of chance and fate. *Ducunt volentem Fata, nolentem trahunt* could easily be translated into terms of a theology which believes that God works not only through those who obey His will but also through those who perforce serve Him against their will.

No one was more aware than Augustine of this coincidence of the pagan and the Christian reverence for fate and providence respectively. Discussing the pagan view of fate, he distinguishes two types of fatalism: the one believing in horoscopes and based on astrology, the other based on the recognition of a supreme power.<sup>24</sup> Only the first, he says, is incompatible with the Christian belief; the latter may well agree with it, though the word *fatum* is an unfortunate expression for what is really meant: *sententiam teneat, linguam corrigat*. If fate means a supreme power not at our disposal which rules our destinies, then fate is comparable to providential divinity.<sup>25</sup> There is indeed a common ground of fearful reverence and of free submission to fate, or to providence, in ancient antiquity and ancient Christianity which distinguishes both from profane modernity and its belief in progressive manageability.<sup>26</sup>

<sup>24</sup> *De civitate Dei* v, 1 and 8.

<sup>25</sup> To Boethius (*De consolazione philosophiae* iv, 6) fate and providence are but two aspects of the same truth. See also the interesting discussion on "Providence Miscalled Fortune" by Thomas Browne, in *Religio Medici*. Browne distinguishes the operation of God's providence in nature and in history. In nature the way of providence is open and intelligible, and to foresee its effects is not prophecy but prognostication. But God's providence is more obscure, "full of Meanders and Labyrinths," in directing the operation of personal and national history, where unexpected accidents slip in and unthought of occurrences intervene. This we often miscalld fortune or chance, though it reveals, if well examined, the hand of God. Those who hold that all things are governed by fortune would not err if they did not persist there. The Romans who erected a temple to fortune thereby acknowledged, "though in a blinder way," something of divinity.

<sup>26</sup> It is interesting to note, however, that even to a nineteenth-century historian the historical process still manifested providential purpose in the form of fatality. To Tocqueville the march of democracy has as much of irresistible fatality as of irresistible providence, for those who promote and those who oppose or obstruct it are the same blind instruments in the hands of a power directing history. "The gradual development of the equality of conditions is therefore a providential fact, and it possesses all the characteristics of a divine decree: it is universal, it is durable,

Neither genuine Christianity nor classic antiquity was profane and progressive, as we are. If there is any point where the Greek and the Biblical view of history agree with each other it is their common freedom from the illusion of progress. The Christian belief in the incalculable intervention of God's providence, combined with a belief that the world might at any moment come to a sudden end, had the same effect as the Greek theory of recurrent cycles of growth and decay and of an inexorable fate—the effect of checking the rise of a religion of indefinite progress and ever-increasing manageability. Since both paganism and Christianity were religious, hence also superstitious, they lived in the presence of incalculable powers and subtle dangers lurking in human achievements and gains. If the idea of progress had been presented to a Greek, it would have struck him as irreligious, defying cosmic order and fate. And when it was presented to a radical Christian of the nineteenth century, it had the same effect. Challenged by Proudhon's thesis that each of our progresses is a victory by which we annihilate providential divinity, Donoso Cortés answered with another *Civitas Dei*.<sup>27</sup>

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it constantly eludes all human interference, and all events as well as all men minister to its development. . . . To attempt to stop democracy would then appear to be fighting against God Himself," and against providence (*Democracy in America*, introductory chapter). The contemplation of so irresistible a revolution produced in Tocqueville's mind "a kind of religious dread." And yet in the very next paragraph, and again in the last chapter of his work, Tocqueville wants this providential process to be directed and restrained by man's own provision and will, for the fate of the Christian nations "is still in their hands," though it may not remain there much longer. This solution of the difficulty by a partial freedom within a partial fatality restates, though in weaker terms, the old theological problem of the compatibility of divine providence with free will (see Augustine, *De civitate Dei* v, 9).

<sup>27</sup> Proudhon, *Système des contradictions économiques*, ch. viii; Donoso Cortés, *Ensayo sobre el catolicismo, el liberalismo y el socialismo considerados en sus principios fundamentales* (Madrid 1851) II, 3. In spite of the clear-cut antagonism between these two powerful minds one must not forget that even Proudhon's way of thinking was eminently theological; see the chapter on Proudhon in A. L. Guérard, *French Prophets of Yesterday, A Study of Religious Thought under the Second Empire* (London 1913).

(Hartford Seminary Foundation)

# MAX WERTHEIMER'S CONTRIBUTION TO MODERN PSYCHOLOGY

BY SOLOMON E. ASCH

THE thinking of Max Wertheimer has penetrated into nearly every region of psychological inquiry and has left a permanent impress on the minds of psychologists and on their daily work. The consequences have been far-reaching in the work of the last three decades, and are likely to expand in the future. What did Wertheimer seek? What is the character of his contribution?

If we wish to answer these questions, we cannot do so by an enumeration of the various theoretical issues that Wertheimer formulated, nor simply by an account of his classical studies and of the fundamental investigations that he inspired. Our task is somewhat different: we must try to understand the root out of which his thought grew, the center from which there radiated the problems he stated, and the steps he took toward their solution.

## I

In the early part of this century Wertheimer found an already established scientific psychology, working by experimental methods, and with a good many achievements to its credit. This psychology, however, confronted him with a perplexing problem: it neglected and indeed disclaimed interest in those features of human action that were most vital. And it justified its procedure as the only one scientifically possible. As a consequence of this encounter, there occurred in Wertheimer a process of thought that led him to question not merely this or that proposition or theory, but the foundations of the established structure, an inquiry that culminated in discoveries and problems which marked a new orientation in the study of man.

The psychology that Wertheimer found had set itself the aim

of investigating human experience and action by means of rigorous scientific procedures. Its ideal was that of high exactitude; its model the natural sciences, or, to be precise, a particular conception of the procedure of natural science. It had already studied intensively the visual and auditory processes of man, had established certain psychophysical principles, had begun the exact investigation of memory and learning, and was turning to the problems of feeling and thought.

The method employed by this experimental psychology was based on an outstandingly simple principle—the analysis of psychological happenings into elements. Psychological events are generally complicated. How can they be understood scientifically? To understand a complicated state of affairs scientifically, it was asserted, only one method will suffice: first, the search for final irreducible elements; second, the discovery of the principles according to which the elements combine; third, the synthesis of the discovered elements into the complicated fact; fourth, the study of the correspondence between each element and its stimulus. If one wants to know how an object is perceived, one must find the elementary sensations of which it consists and state the manner in which they are blended together by a process of association. If one wants to understand what is in a melody, one must listen to each separate note and observe what final characteristics it contains. Similarly for feelings, actions, and thoughts.

This was the task experimental psychology had set itself. In the words of one of its most distinguished proponents, “the first object of the psychologist, therefore, is to ascertain the nature and number of the mental elements. He takes up mental experience, bit by bit, dividing, until the division can go no further. When that point is reached, he has found a conscious mental element.”<sup>1</sup> Inventories of mental elements were drawn up; according to the authority just quoted, they numbered over 44,000. The next step was to discover how the elements combine and how they may be synthesized back into the given complex.

<sup>1</sup> E. B. Titchener, *An Outline of Psychology* (New York 1923) pp. 15–16.

What were the essential characteristics of the elements of this psychology? We may state them in the form of a number of propositions. First, each element possesses this particular quality, this nuance, which distinguishes it from the contents of all other elements. Second, they are given to us as a sum, one element next to the other. Third, each element of sensation is coupled in a constant way with its elementary stimulus. Fourth, the contents of our ideas and perceptions are combinations of these elementary sensations which, like the stones in a mosaic, can be combined in one way or another by a process of association.

In two senses the elements are primary. In a theoretical sense: all complex or higher mental processes are built out of the sum of these elements. In a genetic sense: the further down we go in the genetic scale, to the child or to the animal, the more we shall expect to find these elementary processes.

(When behaviorism later arrived on the scene, it left the situation described strictly unaltered. In so many ways opposed to the psychology of Wundt and Titchener, it was yet at one with the latter in its uncompromising elementarism. Behaviorism replaced the elements of sensation with the reflex arc; for the connection of sensations it substituted the connection of stimulus and response; the train of ideas became a chain of connections. The role and properties of elements were exactly the same in behaviorism and introspective psychology.)

This approach caused Wertheimer both astonishment and concern. He felt that this way of regarding men was somehow repellent because it was vastly poorer than what men actually are. To say to a man—"You are a collection of separate pieces of apparatus; you are a combination of cameras, telephone receivers, receptors for warmth, cold, pressure; when any of these is excited it sets in motion elementary nerve impulses each of which reaches its point in the brain; through these separate contrivances, and through these alone, you come in touch with your surroundings; in short, you consist of a bundle of sensations which you receive from stimuli and of reactions to them"—this seemed

to him to contradict the character of men and the facts of experience. Something vital and very real was lost in this account; the substance of human striving and thought was dissolved into lifeless particles and arbitrary combinations of them. This view ignored what was for Wertheimer the most characteristic impulse of human action—a trend toward sensible, appropriate action, feeling, thought.

Wertheimer came early to the realization that this approach failed to account for the simplest facts of our experience, particularly those that it had studied most intensively: namely, what happens when we open our eyes and look about us. Our visual field is an extended, ordered field. We have before us not sensations but distinct objects, each of which stands out as separate from the others. Why do we see in the visual field unitary objects of definite form, extension, and size? Why is this man seen as one, and not somehow mixed up with part of the next man? Here is a problem. If we say that the several points of the object are reflected independently on the retina and are then cortically represented in the optic sector, thus providing the form of the object, we are begging the question. As Köhler has explained, the retina is at the same time continually receiving in the neighborhood of these images a mosaic of other images which, in the theory, are all independent and mutually indifferent. There should be as little coherence between the retinal impressions belonging to one object as there is between the retinal impressions of neighboring objects. There is no process in the somatic field corresponding to the unitary object, but there are a great number of mutually indifferent processes. The structuring of the visual field cannot be accounted for by the mechanistic hypothesis of indifferent elements. Classical psychology broke down when it attempted to explain how we perceive an object.

The situation was essentially similar with regard to human feelings. Is it the case that when a man is in a certain mood—say, a sad mood—this consists of a mixture of so and so many pains, pressures, discomforts occurring together? Do we not find



instances where things go well with a man, where things are turning out just right for him—and yet he is troubled and lonely? And are there not other instances where a man is going through great difficulties, facing obstacles at every step—and yet feels wonderful?

Furthermore, is it the case that when we look at our surroundings we have, first and primarily, sensory qualities? Let us consider what light and color mean for a living organism. Are they, in the first instance, so many sensory nuances? Faithful observation suggests that for a living being light and color are not, first of all, certain intellectual contents, something known and apprehended, but conditions of life. The entire orientation of an organism changes as it moves from light into dark; when the sun rises or the sky darkens, one's whole being feels different. Long before one has realized that the color of the scene has changed, one may feel that the character of the scene has undergone change. These changes are not at first intellectual contents; they have to do with the wellbeing of the organism, and they concern its strivings and feelings at least to the same degree that they provide sense data.

## II

This then was the situation. On one side there was an exact psychology, especially proud of its scientific procedure; on the other, there were urgent facts of experience and action.

Wertheimer was not alone in sensing these difficulties. William James had stated similar doubts, and many others were discontented with the prevailing psychology and its elementaristic postulate. But the solutions advanced did not simplify the problem; they were often unusable generalities, or they ended in a denial of the possibility of a scientific psychology. It remained for Wertheimer to take the decisive step, to propose a positive answer in the spirit of exact science and logic.

It was characteristic of Wertheimer that those problems which he felt deeply in a human way he tried to transmute into a logical

form and to pursue with a stringent examination. And it is here, in the manner in which he laid bare the ground assumptions of the prevailing psychology, that we first make contact with his living thought. He asked: Is the world for us a sum of stimuli? Is our organism and its relation to the world such that on the one hand we have a sum of stimuli, and on the other a sum of reactions?

In order to explain subsequent developments, it is necessary to mention an event that occurred before Wertheimer began his work and that struck psychologists of the time with the force of a bombshell. This was the publication of the famous paper by von Ehrenfels on *Gestaltqualitäten*. The achievement of Ehrenfels was to call attention to an everyday fact that had the peculiar property of threatening the foundations of elementaristic psychology. It had seemed clear before that a melody was the sum of its tones, an association of tones. Ehrenfels, pursuing an earlier observation of Mach's that geometrically similar figures were also perceptually alike if they were similarly situated, carried the problem forward. We are able to recognize a melody once heard when we hear it again in a new key, sometimes without realizing that anything has changed. The transposition to a new key, however, involves the change of all the elements. A melody, in short, is recognized even though every one of its elements is changed. And similarly for a figure.

Ehrenfels saw that the elements were not sufficient to account for the melody. There were qualities which could not be located in the separate parts. And what holds for the melody holds for other objects of perception. Things are straight, round, symmetrical. These properties of things, which are highly concrete, are characteristics of the whole figure, not of elementary points.

At the same time, the assumption of elements was deep-rooted and seemed self-evident. He therefore concluded that there must be something *in addition to* the sum of tones which remains constant when the tones themselves have changed. In addition to the tones and to their sum we have another element—the quality

of the melody, the *Gestaltqualität*, which is the responsible factor in transposition.

Psychologists reacted energetically to Ehrenfels' discovery. We shall not consider here those who objected that if we take away the notes one after another, then the melody itself will disappear, and concluded therefore that we are dealing in the melody with the properties of separate notes. Of greater interest was the proposal of those who, in an effort to save the essentials of the prevailing approach, held that the melody consists of the relations of each note to the next and that transposition is possible because the sum of these relations remains constant.

Here Wertheimer sensed a grave problem. He saw that the answer in terms of relations and of their sum was contrary to fact and was, for theory, only a slight shifting of the problem. One can change the intervals of a melody by cutting them in half and still the melody remains the same. We can then change all the relations without changing the melody. At the same time, the change of a few relations between the notes can destroy the melody. The melody is neither the sum of the elements nor the sum of their relations.

At this point Wertheimer realized that the difficulty lay with the assumption of elements, which Ehrenfels had retained. He posed a radical question: perhaps in the melody we do not begin at all with the separate notes, upon which we then build relations or *Gestaltqualitäten*, but the other way around; perhaps we start with the quality of the melody, which determines the place, role and function of the notes. A note is nothing by itself, but only as it functions in the whole. We do not hear the notes piecemeal, but in their place within the melody. A note in two melodies may be the same, but it will have different values. What happens to this note at this place is determined by the melody.

Wertheimer had turned the question around and had stood it on its feet. What I see in one part of a field does not correspond simply to the sensation produced by its stimulus; one stimulus in two different contexts is not the same stimulus. The char-

acteristics of the part develop out of the tendencies of the whole; the whole-conditions decide what one will see or hear in its parts. The field a person faces has a form; this form is imbued with meaning growing out of its ordered character. "From its whole-tendencies the field also derives its dynamics."<sup>2</sup>

Out of these problems grew the classic investigations made by Wertheimer; these in turn led to exact formulations. The problems received their first rudimentary expression in his study of movement.

For a long time it was believed that seen movement is the succession of the images we see as an object changes its position; that as the object passes through the successive points  $p_1, p_2, \dots p_n$ , the eye follows them. Wertheimer realized that this account would allow us to see an object now in this position and the next moment in that position, but that it would not permit us to have the experience of living movement itself, the main characteristic of which is not the continuous spatio-temporal change, but rather the fact of direction, of turning and rising and falling. It was to the understanding of this fact that the study of apparent movement was directed.

What is the situation in apparent movement? There is a stimulus  $a$ , a period of rest, and a stimulus  $b$ . Under the proper conditions of timing one does not see these in succession, but one sees an object moving from  $a$  to  $b$ , or an object changing from  $a$  to  $b$ . One observes in this case not each impression in separation but the togetherness of the two. (And in the case of apparent movement, it is shown that the successive position of an object is by no means a necessary condition to the perception of movement.)

Or when one sees a stimulus  $a$ , and a larger (or brighter) stimulus following it, then one perceives not  $a$  and  $b$ , forming on that basis a judgment that  $a$  is larger (or brighter) than  $b$ ; one sees movement,  $a$  growing larger (or brighter). Even before

<sup>2</sup> Max Wertheimer, *Über Gestalttheorie* (Erlangen 1925), translated under the title "Gestalt Theory," in *Social Research*, vol. 11 (February 1944) p. 90.

*b* is fully given, *a* is growing, changing in a particular direction. One can, in fact, formulate a seemingly paradoxical proposition: that one has the direction of the second term, the dynamic movement toward it, *before* one has the second term of the comparison, and that this furnishes the basis for the comparative judgment.

In the subsequent studies of the principles of perceptual organization, steps were taken which marked a turning point in the theory of perception and launched the view known as gestalt theory. The particular principles Wertheimer formulated rest upon and furnish the basis for the following propositions:

First, the character of perceived forms and groupings cannot be derived from the properties of the parts, nor from the individual relations of the parts, but out of the whole properties of the given form. In Wertheimer's terms, the determination is from above to below, not from below to above.

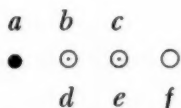
Second, the groupings that are perceived are lawfully determined, with reference to strictly objective conditions; one cannot change at will the way one sees them.

Third, the given groupings do not depend on past experience. Factors of past experience often play an important role in perception, but the gaining of experience itself presupposes a definite organization of the perceptual field. One describes an angle of 91 degrees as a somewhat poor 90-degree angle, but one would not think of describing an angle of 90 degrees as a poor 91-degree angle. If, at this point, one should appeal to experience by referring to the many man-made objects in our surroundings which contain such angles, the argument can be shown to be in error, for it would then be necessary to ask why we see *those* objects as right-angled, when their projections on our retina only rarely form 90-degree angles.

Of the principles Wertheimer formulated we cannot now speak in detail, but it may be well to mention one later development which is of importance not only for the psychologist but for the theory of knowledge as well. It had long been assumed that

the category of identity is to be understood in terms of point-for-point identity between the parts of two objects under comparison. The facts of transposition had already cast a deep shadow on this assumption, but in the following experiment Wertheimer posed the problem with a purity which permits of a logical formulation.

Our perception gives us objects that are phenomenally identical in time. We also see objects retaining their identity when in motion or undergoing other change. How is the retention of identity determined? Wertheimer and Ternus opposed two theoretical possibilities, which may be illustrated with the following simple problem: three light points, *a*, *b*, *c*, are simultaneously exposed on a dark field and are replaced after a short interval by the points *d*, *e*, *f*.



In the change from the first to the second exposition the points *b* and *c* have not changed; they are physically identical with the points *d* and *e*, respectively. As a rule one sees all three points *abc* move from left to right into the position *def*. The physically identical points *b-d* and *c-e* are not phenomenally identical; physically different points become phenomenally identical. What happens is decided not by the conditions existing for each single point but by the structural conditions which determine the happenings at the single points. In the illustration, the middle point *b* becomes the middle point *e*, the extreme points *a* and *c* become corresponding extreme points *d* and *f*. The parts that are identical are then determined not in and of themselves; identity is determined with reference to the role of parts within their whole. It was in this manner established that the category of identity cannot be defined within the field of seeing in a summative way.

With these steps Wertheimer reached a conception of the reality of structural factors in psychological processes. It now became the first concern of gestalt theory to decide not what



this stimulus, this action, this thought is, in and for itself, but in what relation it stands to its setting, what its character is in this setting, in this place within its surroundings. And with this the meaning not only of stimulus but also of reaction underwent fundamental change. No longer is a reaction "the experience of an isolated content and of a piecemeal behavioral response . . . a reaction is primarily a process of changed attitude, of striving, desiring, feeling—not in the sense of a sum but of a structured whole."<sup>3</sup>

Fundamental consequences for method follow immediately. Wherever there are whole-processes and whole-tendencies, there it is fatal to concentrate solely on the parts. If I wish to determine the mood of another man it will not do to center attention on his mouth or eyes; the case is the same when I wish to tell whether a child is ill. There are situations in which it is urgent to start with whole-qualities, whether one is trying to understand the character of a historical epoch or the geography of a continent, or to master a new dance.

The import of these formulations deepens as soon as we ask whether the problems observed in perception do not repeat themselves when we consider the relation between men and their surroundings. For Wertheimer the questions of perception did not belong to a separate chapter; he felt that certain basic issues and principles were identical in all regions of psychology. Between living beings and their surroundings there may again be processes that determine themselves out of whole-properties.

### III

It seems that Wertheimer had always been concerned with the productive processes in thinking, with what happens when one penetrates into the character of a situation, grasping its principle, being guided by its demands. In his hands the theory of thinking took a radical turn. For a proper understanding of Wertheimer it is necessary to see how he dealt with productive thinking, how

<sup>3</sup> *Ibid.*, p. 91.

the issues of gestalt theory look in the region of thinking, how he sought to answer for psychology the problem raised by Hume.

The psychology of Wertheimer's day worked largely with a conception of thinking and learning that followed rigidly from the assumption of elements. The theory of association completed the traditional structure by stating the principles according to which elementary impressions formed habitual sequences in thinking. Its central principle declared that impressions are joined together by contiguity and repetition: if two items, *a* and *b*, occur together and are repeated, an association is formed between them, so that the later appearance of *a* alone recalls *b*. Despite important qualifications due to advancing knowledge, much of modern empirical work and theory remains rooted in the central proposition of associationism. It is the basis for the view that places drill and habit at the center of learning and thinking.

At the heart of association theory is the thesis that the elements of experience are joined arbitrarily by repetition. The radical effect of the theory is to render unnecessary the consideration of the actual qualities of the terms that are connected, and of the manner in which they belong to each other when brought together. The content of the terms is indifferent to the fact of their connection. For the theory of association the prototype of learning and thinking is the connection between a man and his telephone number. It cannot be considered accidental that under the guidance of this approach, investigators sought to discover the principles of experience in the study of nonsense syllables and arbitrarily constructed mazes, situations in which structural properties are reduced—though not entirely successfully—to a minimum.

It seemed to Wertheimer that this approach barred the way to an understanding of what happens in real thinking. The simplest situations in which we profit from experience contained for Wertheimer structurally reasonable factors and demands. Let us consider one such situation and the way he dealt with it. A child is building with blocks. Here is a block which he tries to

place upright. How does he succeed? Does he do so by a process of blind trial and error, placing the block in all possible positions between 0 and 180 degrees, then seeing that the block happens to stand when it is at a 90-degree angle to the floor, and noting that for future reference? The child would indeed be in an unfortunate position if he were generally confronted with tasks of this kind. But there is another possibility. The upright position of the block is optically outstanding: it gives a symmetrical division of the visual space on both sides of it, 90 degrees on the one side and on the other. At the same time, the outstanding gravitational position of the block—its stability—coincides with the uniqueness of its visual position. There is then an outstanding relation between the visual vertical and gravitational vertical. Such structural qualities we master far more effortlessly and they endure in memory far more strongly than do arbitrary connections.

But there are even more basic features of a reasonable order in daily experience. Let us look for a moment at the humble denizen of the animal laboratory, the white rat, whom the psychologist so delights to study. The animal is running toward a corner containing food. But the experimenter, assuming the role of dictator, decides that he will construct a new world for this animal to which the latter will have to adjust. And so, when the animal reaches the point where he sees food, he suddenly sees the food disappear—we can make it happen—but he will find it 17 degrees to the left and four feet away. That the food one sees can be picked up and touched at the point where one sees it and not 17 degrees to the left—is this of the nature of an arbitrary connection, as the classical theory of learning must assume if it considers the matter? For classical theory both are—they must be—connections of the same order. Or consider the situation translated into human terms. We construct a huge maze in which we put a person. In the distance the man sees a door which he proceeds to open. But when he makes the effort, the door does not yield. If, however, in blind trials, he pushes at

the wall six feet to the right, at a spot indistinguishable from its surroundings, it suddenly gives way and he is free.

This would be a world consisting of elements and arbitrary connections between them. It is this kind of world that for a long time psychology assumed. Wertheimer declared that in such a world the unfortunate animal or man would die, for survival itself depends on a minimum reasonability in our surroundings and in our relation to them. Our bodies and our nervous system have sprung out of the very world that contains within itself a certain order, and certain principles. Is it so entirely strange that we are capable of grasping them? Are we so external to our external world?

The processes of thinking have eluded the efforts of psychology, particularly those processes which are productive of new discoveries and solutions. In Wertheimer's last work, *Productive Thinking*, we have a theory of productive processes based on concrete, observed examples of thinking. It extends the structure of gestalt theory and states the basic difficulties of traditional logic and association theory.

A pupil may *learn* the solution to a problem but not *understand* it. When faced with a new problem he may apply the learned principle though it is no longer relevant; on the other hand, he may fail to apply it in a changed situation where it is required. The next pupil will see the application of the principle to a new problem though the latter differs in many particulars from the original, and he will discern that the principle does not apply even when the latter deviates from the original much less in terms of elements. The second pupil has understood, the first has not. (Proceeding in this way, it becomes possible to establish an exact, even operational, criterion of understanding.) How are the processes of thinking different in the two pupils?

It may be helpful to leave the psychological problem for the moment, and to ask a question concerning the nature of similarity in objective situations and processes. When are similar events similar, and when are they different? Under what con-

ditions does a given principle apply to a changed situation, and when does it fail to apply? Wertheimer's answer is that identity is determined, as in perception, not by the number of "identical elements" two situations possess in common, but by identities of a structural order.<sup>4</sup> The basic propositions of transposition apply to the problems faced in thinking.<sup>5</sup>

Understanding is a matter of grasping the structural characteristics of a problem. Its presence can be detected by tests of transposition. But the process of understanding must be studied in the course of actual thinking. This Wertheimer does. His investigation uncovers a host of operations which form the heart of thinking and which have been ignored or denied in the traditional theories. We can mention them only briefly.

Productive thinking starts, not with a piecemeal view, but with a survey of the main lines of the problem. Under the urge to face the issue, the thinker senses the main structural qualities and the gaps within them. These, at first incomplete and even hazy, create in him the tensions and vectors which in their direction and quality lead to the steps that are in line with the requirements. Out of them grow operations of grouping and segregating, of fitting in terms of balance and symmetry, of discovering gaps. Under the stress of the incomplete view, a direction is formed that produces reorganization, changes in the function of parts, the segregation of peripheral from central characteristics, the completion of gaps, until the hierarchical structure of the problem is realized in a deeper way. The steps in productive thinking

<sup>4</sup> It therefore becomes clear why the requirement of absolute identity in the repetition of a scientific observation is not only unattainable but also trivial. The scientist aims to reestablish the "relevant" conditions of an experimental situation. These again cannot be defined in terms of the number of common elements; they require structural identity.

<sup>5</sup> With this step the traditional problem of "transfer of training" is transformed. No longer are the essential questions: Does transfer occur from task A to task B? How much transfer is there? The crucial question now becomes: Is there sensible transfer or senseless transfer? Does the person know when to transfer and when not to transfer? And with this the essential meaning of "transfer" itself is transformed from the automatic carrying over of responses to the grasping of structural similarities and differences.

are not taken in a piecemeal way; one may understand each single step in the demonstration of a proof and fail completely to understand the proof. The steps and the vectors arise out of the whole-view of the problem; they get their function and direction from the structural features of the problem itself. In productive thinking, according to Wertheimer's formulation, structural reasons themselves become causes in the process.

No distinction was more fundamental to Wertheimer than that between sensible and senseless (or arbitrary) situations, between sensible and senseless action and thought. Many psychologists are fearful of these terms; they regard them as subjective and value-ridden; they have therefore expunged them from their scientific vocabulary. For Wertheimer the failure to make the distinction—a distinction that common sense finds indispensable—was blind; it marked a failure to observe objective differences between situations and also between the nature of psychological processes.

Modern psychology has widely assumed that intelligent, sensible action is at bottom a complication of factors which are in themselves not sensible. Wertheimer pleaded that as scientists we must describe these processes in their distinctness. He himself believed that advancing knowledge would show mechanical connections to be a limiting case of reasonable processes under the special conditions of the absence of structurally reasonable factors in the situation.

There are situations that have a sensible character; they possess a structure from which each part derives its function and content, the particular position and character of the parts being determined by the necessity of the principle. The series of natural numbers is an example. A situation is arbitrary if its parts are accidentally connected, if the presence of this particular part in its particular place is determined *ad hoc* or in violence to the required principle. The succession of letters in the alphabet or the sequence of syllables in a learning list is an example of the latter. To these situations distinct psychological processes



correspond. In situations of the latter kind, when the structural factors are hidden or missing, one must rely mainly on repetition and drill, though here, too, as Köhler has shown, factors of organization are the essential processes. But in situations of the former kind there is the possibility of grasping the essential relations, of gaining insight into a principle and mastering the relations on that basis.<sup>6</sup>

The implications for teaching and learning are far-reaching. Wertheimer felt keenly that the concentration of schools on drill, memory, habit forming is inimical to productive thinking, and even damages the strong trend in children to deal with problems in a direct way.<sup>7</sup>

The steps Wertheimer took in the direction of a gestalt logic form the climax of his work and the arch of gestalt theory. At the same time, they bring to the fore a radical limitation of traditional logic.

The processes of thinking do not follow the divisions of formal logic. Actual thinking cannot be described in terms of the categories of inference, generalization, abstraction, and judgment. To do so contradicts its character in two senses: it splits a unified process into artificial parts, and it misconceives in a far-reaching way the character of generalization, abstraction, and inference.

Wertheimer had long been troubled by the limitations of formal logic for the understanding of natural processes, including thinking itself. He was aware of its merits and admitted its achievements, but to him its assumptions with regard to thinking were surprisingly barren. The propositions of formal logic have a

<sup>6</sup> For Wertheimer the distinction between reasonable and arbitrary action cannot be described simply with reference to the consequences of an action—whether, for example, it leads to a reward or punishment. The sheer fact that an action is followed by reward is powerless to make it understandable. Furthermore, consequences themselves may either follow reasonably from a given situation or be arbitrarily attached to them.

<sup>7</sup> This applies also to procedures in progressive schools which, although they increase the freedom of the child, assume essentially the traditional theory of thinking.

relation to thinking: they state rules for testing the consistency of conclusions. Once thinking has done its work, the correctness of the conclusions can be checked against the rules. But there must be, Wertheimer felt, a place for a logic of processes, by whatever name one may choose to call it.

Formal logic states propositions without reference to actual processes. It deals with concepts, judgments, inferences, and the like, splitting them from one another, and formulating propositions concerning them independent of any content. It even insists upon this separation. Nevertheless, formal logic is not without assumptions concerning the nature of its subject-matter. Its central assumption is that the terms with which it deals are summative. Formal logic is concerned with the special case in which the inner coherence of the given terms is reduced to a minimum.

The exact meaning of this statement is exhibited by the manner in which traditional logic deals with the class concept. Each member of the class is regarded as the sum (in the sheer additive sense) of its properties. Each member of the class contains one or more common properties, in addition to others that are specific. (Which characteristics will be the basis for classification is determined entirely arbitrarily. Formal logic contains no principles for distinguishing between fortuitous, trivial classification and sensible classification.) For formal logic it is of no consequence how the common properties stand with relation to the others in the single object, or what they do to one another. The basis of classification is a piecemeal identity of elements, obtained by "subtractive abstraction." When we form a wider class, we repeat the process by subtracting the attributes of the less general classes. The result is that by successively eliminating the concrete characteristics of the individual objects we reach general concepts which, instead of approaching more closely essential forms and qualities, become progressively purer and poorer.

In this manner Wertheimer demonstrated that the fundamental operations of formal logic, those of analysis, abstraction, identity, and the like, are summative. But there is another, radically

different way of understanding these operations. They may be understood structurally. As long as the distinction between a summative and structural procedure is not clearly drawn, a fateful ambiguity lurks in our logical—and in our scientific—operations. The formulation of structural relations is the task of a gestalt theory.<sup>8</sup>

## IV

It is necessary at least to mention the bearing of Wertheimer's thought on the issues of social life. The testing of his ideas and the concrete development of his work took place, it is true, mainly in the fields of perception and thinking. But the principles and their logic have vital reference to larger human concerns. An illuminating, if inadequate, glimpse of these issues may be caught in the few papers Wertheimer wrote on truth and ethics after he left Germany.<sup>9</sup> We will mention here some of the implications that are of most direct concern to social psychology.

The social sciences must work with some conception of the relation between the members of a group, or of the relation between "group and individual." Two directly opposed approaches are found. One starts with the individual and attempts to derive all social processes from those of individual behavior. Starting with the axiom that there is nothing in the group that has not been previously in the individual, that social psychology is individual psychology, only more so, it ends by questioning the reality of groups. The other view, put forward with equal firmness, starts at the opposite pole. The group is said to be an entity following its own laws, constraining its members to act according to its principles. From the group, men receive the categories of thought, their standards of right and wrong. Without the group, man is little more than a physiological organism.

<sup>8</sup> Max Wertheimer, *Productive Thinking* (New York 1945).

<sup>9</sup> "On Truth," in *Social Research*, vol. 1 (May 1934) pp. 135-46; "Some Problems in the Theory of Ethics," in *Social Research*, vol. 2 (August 1935) pp. 353-67; "A Story of Three Days," in R. N. Anshen, ed., *Freedom; Its Meaning* (New York 1940) pp. 555-69.

Each of these solutions is a violent attempt to simplify the problem; each denies one indispensable term in the social process; each creates, though in a different manner, a cleavage between the individual and his group. That they do so is owing to the failure to see the group as a structure, and the relation of the individual to his group as a particular form of a part-whole relation. Individuals are parts of the group; between them are forces the form of which constitutes the character of the group. The important qualification needs to be added that the individual, the part, is himself an organized unit, with powerful trends and characteristics already hinted at. On this basis a proper formulation of the group relation becomes possible, one which denies neither group forces nor the character of the individual.

Much of current social psychology starts with the assumption of a private individual, concerned exclusively with his own needs. In consequence, his relation to the group is conceived in terms of expediency, mediated by the workings of rewards and punishments. Men are concerned, according to this thesis, with satisfying their individual needs. But to accomplish this end they need the help of other men, each of whom is bent on self-satisfaction.

This theory of group life is valid for certain groups under certain conditions. But can it furnish the basis for a human society? It seemed to Wertheimer a blind assumption that men are essentially egos, for whom each is the center of his world. Perceptual investigation had already established impressively that under certain conditions the coordinates of the surroundings become the coordinates of the individual, and that the ego itself is localized with reference to them, not the other way around. The ego then can function as part of the field. Similarly, the man thinking about a problem must be concerned with the problem, not with himself. The tensions of the task, the vectors within it, must become his tensions, his vectors, which he tries to set right.

The same processes seemed to Wertheimer to be at work in the relation between men and their group. Under certain conditions

individuals have an overwhelming need to be part of the group, to participate in its work and in its responsibilities, to feel and act under the demands of the group. Only under particular group conditions does the ego become exaggerated to the point where it can no longer feel the needs of the groups. The men and women who lived through the darkest days of London at war and those who fought at Stalingrad surely do not present to the unprejudiced eye the picture of men and women driven either by the pursuit of pleasure, or dedicated to their self-interest. Here are basic issues for a theory of motives, in deep contradiction to the view that human interests are built upon ego-centered needs.

When we deal with the manner in which individuals act upon one another, we find that some of the problems we have considered earlier now reappear, but in an aggravated form because of the greater gravity of the issues. The theory of human learning in terms of conditioning and association has been generally applied to the sphere of social experience. The consequence has been a conception of arbitrary social processes. Society is pictured as a vast maze, the turns and alleys of which are arbitrarily constructed. Rewards and punishments set the standards of right and wrong, of true and false. Indeed, the very way in which our minds work is said to be a product of social influence. A conception finally emerges of men who are the puppets of society.

While the issues of social psychology can be dealt with only by direct study of its subject matter, and not by easy generalization from neighboring regions, we cannot remain indifferent to the manner in which related problems are formulated elsewhere. We are therefore prompted to ask: Are there not social processes of a reasonable order? Are not men capable under certain conditions of thinking about their group, about the influences working upon them, and even of rising above them? If we proceed in this way, we shall not rely upon the dogmatic assumption that social forces characteristically act upon individuals in a blind way, enforcing slavish obedience. We shall

then consider it our first scientific task to distinguish the psychological processes in blind social action and action reasonably determined, in this way perhaps enlarging the region of the latter.

A similarly scientific caution will free us from perpetuating the age-old distinction between emotion and reason. In Wertheimer's theory of thinking the reader will find a deep hint in this direction. We must reexamine the axiom that emotions do not think and reason does not feel. We must proceed with bold hypotheses: that some emotions may perhaps be eminently reasonable, that productive thinking needs the cooperation of proper and strong feeling, and that the usual distinction refers to the limiting case of impoverished thinking and blind emotion.

This sketch does not, I am aware, do justice to the labors of a great mind. It would have been beyond my power to do it full justice. But part of the difficulty is also of an inherent character, for the work of Wertheimer is incomplete. He has handed on to us a problem of permanent significance and the sharp tools he forged in tireless labor. And the greatest of these is the problem which Wertheimer saw more clearly than others of his time, and which concerns nothing less than the nature of man himself. Wertheimer was often fond of pointing out that the discovery of a new problem can be an achievement far greater than the finding of a solution to a set problem. This statement is eminently true of him. His efforts to understand the productive possibilities of human life, and to overcome the conception of man as a mechanical creature of habits or as a creature driven by desire for pleasure but fearful of paying the price, entitle him to join the company of those who fought for human freedom. We cannot speak with assurance about the future of our science. But this much we can say with confidence: wherever the understanding of man will take a step forward, there people will honor the name of Max Wertheimer and turn back to his thought with a sense of gratitude and affection.



## RECENT LITERATURE ON ECONOMIC SYSTEMS

THE necessity for economists to study different economic systems is being increasingly complied with, to the obvious advantage of our knowledge concerning our present economic reality. Five of the seven books to be discussed here, although they study the sociological framework in which the systems work, are primarily books by economists for economists. The two volumes on fascism are somewhat different in character, no doubt because of the ambiguous nature of fascist economics; it becomes more and more clear that it is not so much the economic technique as the political objectives that define the fascist system.

### I

Schumpeter's book, *Capitalism, Socialism and Democracy*,<sup>1</sup> is a most important work on capitalism, makes many instructive observations on socialism, and is distinctly poor on democracy and its relation to the other two systems. It gives the best defense of capitalism known to this reviewer, one that is infinitely superior to that by Mises because it is quite without the fanaticism of Mises' last-ditch battle, and because it recognizes and accepts defeat and voices, as it were, an obituary for capitalism in a mood of resignation rather than of bitterness. The eminent author is as original in his presentation of the merits of capitalism as he is in his analysis of the causes of its decline.

Schumpeter is anxious to see things in their correct proportions. For this country he gives what may be the first estimate of the increase in the consumption of the lower income classes which would be made possible by a redistribution of the incomes spent by the rich. He believes that in 1929, the peak year of capitalist prosperity prior to leveling-down taxation, the recipients of incomes of more than \$50,000, spending at best one-third of their incomes, consumed 4.3 percent of the national income, of which amount perhaps one-half might have been available for redistribution in a socialist economy of the same productivity. Similarly he argues that the business cycles, for all the hardships they have imposed, have not prevented average consumption from rising by 2 percent a year for the past eighty years.

<sup>1</sup> Joseph A. Schumpeter, *Capitalism, Socialism and Democracy*. New York: Harper. 1942. 380 pp. \$3.50.

This development, along with the observed fact that the percentages of different income strata in the growing total have shown remarkable stability, should bring us in another thirty years—with or without unemployment—to an average income of \$1,300 per capita, counting in prices of 1928. Written in 1942, this proposition may appear unduly conservative today, but it should bring out the point that unemployment, which the author deems unavoidable in capitalism, loses much of its sting if the community is rich enough to provide decently for the victims of unemployment.

But the most brilliant part of the argument is unquestionably the defense of monopoly and price rigidities, and the scathing attack on the theory of competitive equilibrium. In the process of "creative destruction," which is the nature of capitalism, monopoly is required for business "to keep its feet on the ground"; only with this minimum of artificially created stability—and no prices are rigid in the long run—can big undertakings be started at all. Or to put it differently, whether the same amount of investment could be used to greater advantage under competitive than under monopolistic conditions is an irrelevant question, because those investments would not be forthcoming at all under competitive conditions, and not only their output but the tremendous progress so often associated with them would be lost to society. The same reasoning, incidentally, applies to the case for protection versus free trade. Schumpeter does not mention this parallel, and Carl Landauer, who, in his book discussed below, also traces monopoly to "fear," illogically insists on the right of free trade. In line with Schumpeter's thinking, the late Warner F. Brook argued that the international cartel, which, according to him, is both capable of and in need of being transformed into a responsible body, is the only available technical means for producing stability and confidence in the international markets.<sup>2</sup>

Appreciative as he is of capitalism, Schumpeter nevertheless jettisons it. Unlike Marx, he sees no economic reason for so doing. Instead he finds capitalism doomed on sociological grounds, in that it undermines its own social basis, neglects the sense of social cohesion, breeds a critical spirit which necessarily turns against itself, and, in short, produces a social climate of growing hostility to and mistrust in its unrivaled achievement. The struggle between business and the

<sup>2</sup> Warner F. Brook, "A Planned Democracy for Western Europe," in *University of Kansas City Review* (Summer 1944); see also his earlier work, W. F. Bruck, *Social and Economic History of Germany from William II to Hitler. A Comparative Study* (Cardiff 1938).

social-welfare state consumes much creative energy (one thinks of taxation and the search for ways to evade it), and a superseding system that could command real loyalty would spare society an enormous waste.

This system is socialism. Its establishment is, according to our author, the only way to restore social discipline. He goes so far as to consider it logical that the labor unions in Russia are being increasingly divested of their socially antagonistic functions. Furthermore he sees no reason to doubt the workability of the socialist economic system. He dismisses the Mises-Hayek argument in all its shades, and claims for socialism "a higher level of rationality" than for capitalism, where the individual peasant, reacting to hog and fodder prices with complete rationality on a lower plane, produces the hog cycle. What matters is the institutional scope of rationality. Schumpeter accepts the A. P. Lerner version of socialist pricing—price should be made equal to marginal cost—but reinterprets it in a significant manner which takes account of the fact that overhead is outside marginal cost only in the short run, where its investment is in the past, and not where new investment in overhead is being considered in a socialist plan. Both competitive pricing and the use of accounting prices by a central authority are presented as practicable methods.

After so many instructive contributions one can read the section on democracy only with mounting uneasiness over the discrepancy between the ostentatious display of erudition and the weakness on fundamentals. Schumpeter defines democracy as a political method, and hence he can easily prove, with much satisfaction to himself, that democracy, contrary to its classical doctrine, does not guarantee the common good; he ignores the fact that democracy in the Anglo-Saxon countries presupposes a Protestant conscience and is therefore more than a method. He then redefines democracy as government by those who win the competitive struggle for the people's votes. This theory of Max Weber's he claims as his own, and he takes it as a basis for an investigation into the compatibility or incompatibility of socialism with this form of democracy. The answer is, naturally, that there is neither a positive nor a negative correlation. All this hardly touches on the real problems of modern democracy. The dissociation is made symbolically clear by the fact that this book on the foundations of society, published in 1942, mentions fascism only once, and even that mention occurs only in the next to last line of its 375 pages.

## II

In the first part of his book Schumpeter devotes an appreciative and generous discussion to the achievement of Karl Marx in analyzing capitalism. He points out how superior many of Marx's propositions are to those of the bourgeois economists and also to Marx's own argument in deriving those propositions. Two recent books are specially devoted to a critical analysis of Marx's theory of capitalism. Of the two, Paul Sweezy gives what is unquestionably the most scholarly presentation of the Marxian doctrine by an adherent; Joan Robinson weighs Marx's achievement against that of his neoclassic rivals and against the work of the modern school in which she herself is engaged.

Sweezy<sup>3</sup> has drawn together the scattered, unfinished, unorganized, unedited material of Marxian theories into an organized, systematic whole, enriched by a critical and well-documented discussion of the controversies between the different schools of thought that derived from Marx on such problems as the transformation of values into prices, the breakdown of capitalism, and the role of underconsumption in producing the crisis. This is a significant contribution to an intelligent discussion, although its value is limited by the regrettable fact that it includes no criticism of Marx more recent than the fifty-year old comment by Böhm-Bawerk.

On one important point Sweezy gives up the Marxian theory. He realizes, as does Mrs. Robinson, that the principle of the falling profit rate—the self-destruction of capitalism—founders on the fact that it requires, according to Marx, a stable rate of exploitation, which means, however, a wage rate increasing with productivity, contrary to all assumptions and requirements of the Marxian system. To meet the very serious consequences for this system, Sweezy elaborates a careful theory of a necessary tendency of capitalism to underconsumption, along the following lines: a growing proportion of growing profit is withheld from consumption and accumulated, and of this amount again a growing part goes into equipment and a smaller part into wages; on the other hand, the technically determined ratio between the stock of means of production and the output of consumption goods remains constant; hence the growth of the demand for consumption goods slows down, and this conflicts with the constant growth of the supply. But accumulation does not claim an increasing part of profit,

<sup>3</sup> Paul M. Sweezy, *The Theory of Capitalist Development. Principles of Marxian Political Economy*. New York: Oxford University Press. 1942. 364 pp., appendices and notes 28 pp., index 6 pp. \$4.

and even the relative growth of equipment is far from necessary under modern conditions; thus the foundation of Sweezy's theory is highly questionable.

Sweezy accepts Bortkiewicz's criticism and reformulation of the transformation of values, the latter based on equal exploitation of the workers in different industries, into prices, which include equal profit rates irrespective of the differences in the capital intensities of the various industries. Marx overlooked the fact that the invested capitals themselves must be expressed in prices instead of in values; Bortkiewicz carries out the calculation with the aid of equations "of the second degree and of rather an unusual sort." But his acceptance of this reformulation does not prevent Sweezy from taking values rather than prices as a foundation of his argument throughout the remaining two-thirds of the book. What is worse, in Sweezy's as well as in Bortkiewicz's illustrative calculations, the ratio of the total surplus value, which is to be proportionally redistributed among the different industries, to the wage capital producing that surplus value is different in the price system from what it is in the value system, while the problem is the redistribution of a given gain of exploitation. Thus the fundamental condition of the transformation is violated. Like Hilferding, Sweezy attempts to prove that monopoly price can be explained on the Marxian basis; but this presupposes that monopoly price only leads to unequal profit rates in favor of monopoly, within an unchanged profit total. This is unrealistic, because it implies that consumers are not exploited by monopoly, and it is not made acceptable by Sweezy's contention that modern theory gives no general statement of monopoly price either, "aside from a few empty propositions."

These objections must not be interpreted as detracting from the scholarly merit of the book in presenting Marxian economics. The scene changes radically, however, in the last fourth of the book, where sociological and political conclusions are drawn and we are treated to all the familiar propaganda tunes, without addition or omission. It is a pity that so scholarly an author has not limited himself to the economic discussion.

In contrast with the dogmatism of Sweezy's approach, Mrs. Robinson's study<sup>4</sup> is a superb book, every page of which testifies to the strong mind and forthright sentiment of its author. She is intensely dissatisfied, as is well known, with the complacency and rosy optimism

<sup>4</sup> Joan Robinson, *An Essay on Marxian Economics*. London: Macmillan. 1942. x & 122 pp. \$1.75.



of orthodox economics, and is not very pleased with the state of modern theory, to which she has contributed so significantly. She turns to Marx as to one who was not afraid of seeing things as they were and burned with an indignation still conspicuous even in his mathematical formulae. But she is no apologist for Marx; she dissects his argument and, while finding much to praise, finds much that is inadequate and much that is faulty. The curious thing is that in her critical presentation Marx loses none of the stature accorded him by his worshippers.

Similarly it is no reflection on her masterly book to discover one serious error in it, in her critique of the transformation of values into prices. Exploitation gains are proportional to the number of workers employed; equal capitals in different industries employ different numbers of workers, and values thus include different rates of profit, which must be equalized in prices. The Marxian problem is predicated on the explicit assumption that the rate of exploitation—the ratio of unpaid to paid labor—is equal in the differently profitable industries. This assumption Mrs. Robinson rejects as unnecessary: "If wages are equal in all industries, surplus per man employed (the rate of exploitation) varies with net productivity per man employed." The author thus makes the rate of exploitation synonymous with that of profit, thereby giving up the logic of the Marxian system, which is a system of labor value. The rate of exploitation cannot be changed by a rise of productivity in some industry whose product is not a wage good; it can be changed only by cheapening wage goods and thus lowering the value of labor in all industries, or by extending the work day in all industries. With free competition of workers for jobs, no such change can take place in a single industry; and the tendential equality of profit rates in prices is not the expression of unequal exploitation in different industries but results from the transfer, by a mechanism implied in the Marxian doctrine, of part of the profit made in one industry to the capitalists of another industry. Mrs. Robinson paves her way to her results by assuming that capital is productive, which it certainly is. But since Marx was out to prove, by means of value analysis, that labor alone is the source of wealth, and since this thesis is the fundamental dogma of socialists to this day, the uniform rate of exploitation was not for Marx what it is for our author, an arbitrary assumption. By changing the assumption she misses her objective, which is the refutation of the value theory on its own ground.

What Mrs. Robinson says about the awkwardness of reckoning in



values equal to labor time, which obscures differences in productivity, is correct, of course, and directly leads to her refutation of the theory of the falling profit rate: profits could fall, with rising productivity, only if wages increased with it, which is contrary to Marx's view. Her critique of the theory of the industrial reserve army is weaker than that given by Oppenheimer, who argued that the rise of wages does not diminish profit and blunt the stimulus to accumulation if productivity rises correspondingly. Instead, she calls in the power of monopoly to set an upper limit to wages. She proves the underconsumption character of the Marxian proportionality schemes and likens them to the modern theory of effective demand. And she castigates orthodox theory for making interest the supply price of waiting and profit the supply price of risk-bearing, to which she far prefers the crude Marxian assumption that accumulation is to the capitalist an end in itself. Her principal anger, however, is reserved for the orthodox belief that in equilibrium there will be no net profit, a belief which rests, she says, on the utopian assumption that enterprise is freely accessible, while in point of hard fact the access to it is limited by property qualifications unknown to orthodox theorists. She also finds Marx's theory of wages considerably nearer the new theory of imperfect competition than anything that is to be found in orthodox theory.

### III

The theory of the socialist economic system was so thoroughly developed during the thirties and produced such a rich crop of literature that a summary of the discussion, sifting the entire theoretical evidence and separating the wheat from the chaff, is extremely timely. This is the task that Claude David Baldwin has set himself.<sup>5</sup> He has accomplished it with much diligence and a mind obviously open to the relative strength of contending arguments. It testifies to the completeness of the discussion in the literature that Baldwin's critical survey does not materially add to our knowledge, although the survey itself will prove helpful by presenting clearly some of the points at issue. Among these are the careful distinction between the various intermingled points in Mises' critical argument against socialism; the controversy between Lange and Lerner, which resulted in the all-round acceptance of Lerner's principle of exclusive use of marginal cost to determine price; and the defense of the proposition that a quasi-com-

<sup>5</sup> Claude David Baldwin, *Economic Planning. Its Aims and Implications*. Urbana, Ill.: University of Illinois Press. 1942. 188 pp. Paper \$2; Cloth \$2.50.

petitive price can be established by the planning authority in the costing procedure.

Nevertheless the book does not give the impression of full sovereignty in its field. It aims at a complete discussion of socialism, including the latter's political and moral presuppositions and objectives; but it approaches the subject entirely from the outside, with philosophical concepts of little pertinence, without any knowledge of Marxism, on which it gives only three flippant remarks, and in complete ignorance of such spiritual sources of socialism as one can find discussed, for instance, by Niebuhr. The author makes no spiritual distinction between communism and fascism, and refers to Russia only casually, in what purports to be a systematic treatise on planning. In the discussion of the objectives of the planned economy he omits economic stability, of all things, and, correspondingly, in reviewing the problems of the mechanics of the planned economy he omits the business cycle. He includes in his survey several worth-while contributions to the literature which this reviewer overlooked in his survey of the field several years ago,<sup>6</sup> but he in turn disregards the important and original book by Robert Mossé, *L'économie collectiviste*. Worst of all, he excludes from his discussion the most important point in practice, the interplay of planned and private sectors.

The entire discussion as presented by Baldwin impresses the reader, again, with the high degree of abstraction in reasoning which presupposes a fully centralized economic system as the alternative to our present system. The prevailing trend in current studies is toward a purely technical analytical interest, and there are only a few voices of opposition, which, starting from pure theory, still regard as their objective the analysis of systems comprising both centralized and decentralized sectors—socialized heavy industry and individual farming, for example—for reasons of both political realism and democratic justice. It should be clear that the workability of such a mixed system is a problem in itself, as emphasized by the frequent assertion in the literature that the choice lies solely between the pure systems.

In this situation, Carl Landauer's new contribution to the theory of planning<sup>7</sup> is particularly deserving, in that it resolutely pushes beyond the overcultivated field of purely academic perfection. Lan-

<sup>6</sup> Eduard Heimann, "Literature on the Theory of a Socialist Economy," in *Social Research*, vol. 6 (February 1939) pp. 88-113. Baldwin has drawn on this article more heavily than carefully.

<sup>7</sup> Carl Landauer, *Theory of National Economic Planning*. Berkeley and Los Angeles: University of California Press. 1944. 189 pp. \$2.

dauer gives what he regards, not as a perfect system, but as a minimum institutional change required for national economic planning. He envisages a planning authority and the present-day free enterprises functioning side by side, and his reason for this arrangement is an important contribution to pure theory as well. Planning must accomplish what the market cannot accomplish: a long-range view of demand and supply and the consequent price. It is the short-sightedness of the price signals of the market that constantly mislead rationally acting participants into moves that prove faulty in the long run. Individuals meeting in the market do not know one another's long-range plans, but the planning authority would be in a position to explore these plans and include them in a picture of future supplies and prices, and it could further add to the degree of future certainty by drawing its own plans on the basis of all available material and recommending them to the entrepreneurs. This is the most precise formulation of the case for planning known to this reviewer.

The argument is negatively supported by an aggressive refutation of the Hayek-Robbins lament about the hundreds of thousands or millions of equations to be solved by the planning authority in the process. The author shows that what the much-praised market does is nothing more or less than to solve millions of equations by means of trial and error. The cost in time and energy, however, is not, and cannot be, properly assessed, because the market "employs every person, producer and consumer, in the solving of equations, and the sacrifices involved in their trials and errors do not, for the most part, become visible in the public budget"; it is better and far cheaper for the community as a whole to solve the equations on paper than by the independent uncoordinated actions of millions of persons who have to bear the losses.

On this basis Landauer discusses the system of free business under planned guidance. His solution of the problem is a revised version of Mordecai Ezekiel's scheme for balanced expansion, wherein every producer would find the market for his enlarged output in the enlarged demand coming from the other expanding producers. Because experience has too often cheated producers, and because the plan may be erroneous, a guarantee of sales at a certain maximum price must be given by the planning authority—the price must not be higher if sales are not to shrink. Unlike Ezekiel, Landauer does not consider the possibility of cartelizing the industries to allot quotas to the individual firms; he recommends contracts only with the big firms, which

are the decisive industries anyway, and trusts that the smaller industries and firms will fall into line once the existence of a farsighted plan has produced a new atmosphere of confidence and relative stability. The relations between the planning authority and the firms constitute the real problem. This the author approaches with much circumspection, and he clarifies it in a number of special situations that may arise, including the question of the division of the risk in new planned investments and the question of how to handle antagonism without endangering personal liberty and the right and duty to criticize the planning authority.

Landauer's investigation into the changes of profits and losses under the plan is still incomplete and will require future study along the lines indicated by the book. The realism of his approach can be seen also from the fact that his problems repeatedly coincide with the technical problems of the Russian accounting and planning system, which the treatises on pure theory ignore.

#### IV

All books on fascist economics have to answer the question whether to regard such a system as nearer capitalism or nearer socialism, or an independent type of its own. Albert T. Lauterbach's thoughtful book finds a fresh approach to the problem.<sup>8</sup> He develops a theme suggested by observations found in the works of Kolnai and Rauschnig—the distinction between militarism as the world has known it, and a fully militarized society. Militarism used to be only an aspiration in a still civilian society, and war an interruption of the life of such a society, while a militarized society is one in which functions and values have been so altered that, as Kolnai phrases it, it would be irrational not to make war. This must be interpreted rather than qualified by saying that expansion and domination may be attained not by actual warfare but by the threat of the political-military machine in high gear. In the western world Nazi Germany, of course, was the perfect realization of that nightmarish idea. Still it would be rash and overoptimistic to infer that Germany's defeat relieves us of the necessity of studying the nightmare. It is Lauterbach's thesis that elements of "preparedness economy"—this is the closest approximation to translation of the characteristic German term *Wehrwirtschaft*, although it lacks the poetic and ideological connotations of the original—will be thrust on nations in the future by the instability

<sup>8</sup> Albert T. Lauterbach, *Economics in Uniform. Military Economy and Social Structure*. Princeton: Princeton University Press. 1943. 310 pp. \$3.

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of the world and the sharp remembrance of their narrow escape. The effect of the always potential military economy on the peacetime social structure is the theme of Lauterbach's book.

The historical discussions in the book are surprisingly weak, and sometimes inaccurate. To start the history of Prussian militarism with Frederick the Great is inadequate. But to include the great and noble Gneisenau in the list of militarists is outrageous—after all, a thinking general should not be denounced for philosophizing about the conditions of his victory. The worst slip, however, concerns Clausewitz, the philosopher of war. His famous dictum that war is "the continuation of political intercourse, its carrying out by other methods," and his emphasis on the "subordination of military viewpoints to political," are presented as starting points of Nazi philosophy. These views were bitterly assailed by Ludendorff, who knew what he was saying when he demanded the opposite relationship. Indeed, the subordination of the military to the political point of view is expressed in the Constitution of the United States; there is no sense in throwing into the lap of Nazism everything that was reasonable in Germany.

The book's merit can best be seen by contrasting it with Franz Neumann's study.<sup>9</sup> Lauterbach's thesis enables him to shed considerable light on the structure of National Socialism, which he understands as primarily a militarized society; Neumann, however, describes it as the latest and final phase of monopoly capitalism, organized to conquer foreign markets in order to escape its economic crisis. Lauterbach suggests, in passing, the cardinal point, which can be made more strongly than he does—the fact that democracy may collapse, in peace or war, unless it provides for strong and effective government, which, far from being the opposite of democracy, is the condition for its survival. This proposition can be turned against the currently popular Hayek thesis that it is the tightening of controls in democracy that led to fascism. Precisely the opposite is true: it is a degeneration of democracy into the anarchy of the crisis that drives people to tyranny—a thesis set forth even by the ancient philosophers. The same proposition can be turned also against Neumann.

Neumann completely overlooks the most striking feature of Nazism, its tremendous mass appeal. He fails to see that it is the democratic masses that turn against liberty, with all the hatred of their disillusion-

<sup>9</sup> Franz Neumann, *Behemoth. The Structure and Practice of National Socialism 1933-1944*. [New and enlarged edition.] New York: Oxford University Press. 1944. xix & 649 pp. \$4.



ment. If he finds National Socialism without a theory, this only points to its pseudo-religious frenzy which, he seems to believe, was produced by monopoly capitalism by means of "conscious tricks, consciously applied strategems" (p. 464). Consequently he misinterprets all the institutions of National Socialism as new forms of capitalism, his main argument being, of course, the continued existence of profits. Lauterbach, on the contrary, raises the question whether in Nazi Germany "any specific right of the individual to hold private property has survived" (p. 148), and supports his doubt by the fact that investment is not in principle guided by the profit motive but by military considerations, even though, for various reasons, a profit is granted on these more or less compulsory investments. Lauterbach's principle—the change of values and functions—permits him to see the preservation of older institutions for what it is—a transformation.

This is not to deny the extraordinary usefulness that Neumann's book can claim by virtue of its vast material and rich documentation, or the merit of many of its historical and political analyses. Its detailed proof that, contrary to established opinion, German conservatism, identified with the agrarian Junkers, was always opposed to the nation's imperialism, and that the real driving power behind that imperialism was the national liberals, the party of the capitalists, was urgently needed to rectify a badly distorted historical picture. His discussion of the function of modern bureaucracy in securing a rational, legal administration under the rule of law, rather than establishing any arbitrary control, is equally valuable, as is his emphasis on the liberal progressive philosophy of that bureaucracy in Germany through the greater part of the nineteenth century. He is rightly scornful of the popular idea according to which Hegel's vision of the state as the "objective spirit" is responsible for the totalitarian racial nightmare, while what it really means is the conservative state of the rational bureaucracy. Not everything in the historical analyses is acceptable, however; the subsumption of the Lutheran doctrine of the state under the charismatic doctrines which culminate in Hitlerism makes no sense at all—the serious contribution of the Lutheran doctrine of the state to Hitlerism lies elsewhere.

The book's pretentious chapters on economic theory are extremely bad. It is unfortunate that such a charge against a very successful book requires detailed documentation. The author maintains (p. 327) that "on the world markets commodities are not exchanged at their value, but an industrialized nation exchanges less labor for more." This was discovered by none other than Ricardo, to whom,



however, Neumann imputes the doctrine of equivalent exchange. Neumann's conclusion that foreign trade is the means of transferring profits is correct but not for the reasons he produces, since he ignores the fact that a unit of labor value in the less developed country incorporates less goods than in the developed country. He claims as a new discovery (p. 339) the fact that wages in the depression fall more slowly than prices, and invites us to find proof of this proposition by means of research. Equally trivial and familiar is his discussion of cartel price policy: that a high price includes a rent for low-cost firms and a low price drives the high-cost firms out of the market and makes for further trustification. On the other hand, these trivialities do not prove that National Socialism is capitalism, any more than the validity of the fundamental economic laws in a socialist economy proves that socialism is capitalism. No one denies that there were profits in Nazi Germany, and an enormous concentration of production as well. But for National Socialism to be capitalism it would have had to comprise two essentials which were lacking: the ruling layer would have had to be capitalists,<sup>10</sup> and the economic decisions would have had to be governed by market profits. Actually, economic strategy was dominated by purely political motives.

Finally, the economic chapters contain numerous discussions that simply make no sense. How else can one describe sentences like the following? "To restrict production is, under conditions of full employment, unnecessary" for the profitmaking of cartels (p. 314). "If the social system of National Socialism is based upon full employment then the contraction of the government demand must be compensated for by an expansion of private industry" (p. 315) with the collaboration and under the pressure of the state—but the government demand is satisfied by private industry. "Cartels have become the organs for attaining full employment. They have become so because they are simply the mask hiding the power of the industrial empires"—but government orders, with or without cartels, have become the means of full employment. "To satisfy the demands of the large masses means to expand or at least maintain the consumers goods industries; this necessarily restricts the profits of the heavy industries" (p. 359). Is not the expansion of heavy industry conditioned, apart from war, by innovations in consumption and in the methods of providing for it? These are the very elements of economics.

<sup>10</sup> On this point see the carefully balanced discussion by Frederick Pollock, "State Capitalism," in *Studies in Philosophy and Social Science*, vol. 9, no. 2 (1941), which implies a refutation of Neumann's thesis.

In one passage only, Neumann seems to feel that compulsory investment is no longer capitalism. He discusses the forced contributions levied on private business for the financing of the Göring works and other party-owned combines, and concludes that this "appears as an affirmation of the living force of capitalistic society. For it proves that even in a one-party state political power without economic power is precarious"—but why does that economic power of the political power constitute capitalism? "There is no doubt that German capitalism dislikes this development. There is no doubt that this process has intensified the contempt in which the old bureaucracy and the industrial leadership hold National Socialist gangsterism" (p. 305). Is the control of a society by gangsterism a form of capitalism? Is it not rather the opposite of capitalism: compulsory investment?

EDUARD HEIMANN

## BOOK REVIEWS

MERRIAM, CHARLES E. *Systematic Politics*. Chicago: University of Chicago Press. 1945. xiii & 349 pp. \$3.75.

In one of his earlier books Professor Merriam distinguished four periods in political thinking: a priori and deductive, down to 1850; historical and comparative, 1850-1900; observation, survey, measurement, after 1900; and psychological, more recently. Do the new methods prove fully successful when applied to the great purpose of presenting politics systematically? Candidly speaking—and it is the reviewer's grave duty not to let his judgment be obscured by his admiration for the personality of the author—the outcome of this gigantic attempt is not entirely convincing.

For long stretches, especially in its first half, the book makes rather disappointing reading, as of a continuous flow of vague generalities, rarely leading up to a concrete treatment of any concrete problem. A student who expected information and clarity on such basic problems of systematic politics as sovereignty (p. 37), federalism and regionalism (p. 26), the advantages and shortcomings of the various kinds of democracy (hardly discussed), elections and the pros and cons of proportional representation (p. 139), the advisability of strengthening or weakening the executive and the problem of dissolution (not discussed), the subjective and objective meaning of general welfare (p. 52), law (p. 113), the conflict between divergent oughts (p. 80), the bill of rights and its international protection, individualism and collectivism (p. 172), and the great problem of our time, the compatibility of democracy and socialism, would find close to nothing to quench his thirst. A short examination of any of the references given in parentheses will support this statement. And the searcher would find even less on the historical meaning of these problems. Instead he would meet ever-recurrent remarks to the effect that the question at hand is a difficult one and that it has many facets, psychological, biological, anthropological, sociological, rational and historical. True as this comment is in every case, its constant repetition in lieu of a skilful handling of the problem itself is not helpful. The many constitution-makers in Europe and elsewhere are given little assistance in accomplishing their grave and responsible purposes.

The author prudently tries to avoid a priori methods and value controversies by making a great number of avowed assumptions, but with all his tendency to manifold qualifications he can become highly

dogmatic at times. If I may italicize freely, he proclaims with finality, "The role of the government *is* . . ." (p. 30); "The purpose of authority, *it is clear, is* not authority as such but freedom" (p. 60); "The ends and purposes of government . . . may be *simply stated* as follows: (i) external security, (ii) internal order, (iii) justice, (iv) general welfare, and (v) freedom" (p. 31). This latter enumeration recurs innumerable times, but sometimes equality is suddenly inserted (pp. 211, 287, 327), and at the end (p. 338) the author recommends "the outlawry of . . . personal inequality in an emerging system of resources, rights, and recognitions." Unsystematic enumerations abound, as when "education, research, health and social security" are lined up as activities for the general welfare.

Repeatedly the author inveighs mildly against formalism and institutionalism. But his generous neglect of forms and institutions makes one almost yearn for a book that would deal with those problems of government which are not treated by the psychologists, sociologists and anthropologists, and which must be treated somewhere—and where else if not in a book on Systematic Politics? If an organ of government is defined as "a persistent cluster of behavior patterns which persist long enough to be identified by the group and recognized as a part of the expectancies of daily life" (p. 118), one does not learn much about either government or its organs. There are clusters of behavior patterns that are not organs of government. What is the use of thus diluting politics?

But there is another side to the picture, and I am glad to turn to it. All that Professor Merriam says is good and true. There is practically nothing in his book with which I do not agree, in my capacity as a political being rather than a scholar. Furthermore, many subjects that were neglected fifty years ago are treated in a stimulating way, marking definite progress, as for example custom (p. 75), the relationship between military and civil government (p. 77), symbols (p. 83), strategy in politics (p. 104), leadership (p. 107), morale (p. 116), managerial groups (p. 164), informal government (pp. 236, 241), the importance of function as compared with structure (p. 169), the dangers resulting from inefficiency of government, and the necessity of delegation of powers (p. 175).

Deeply aware as are few others of the fact that "the bulk of government is administration" (p. 208), Dr. Merriam ends his chapter on administration with strong remarks on its perfectibility under the democratic form of government. These remarks could be written only by a great administrator, but again they do not deal with any concrete

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problem (see the meager section dealing with the question of personnel, p. 155).

Disseminated through the book are hundreds of observations full of wisdom, summaries of past experience or signposts to the future, wittily formulated. Throughout, the study is a great confession of American optimism, with the author's avowed belief in "creative evolution" as its leitmotiv. Because of this quality the concluding outlook chapters are the most impressive in the book. It may be suggested that in a second printing an extensive table of contents, giving each subtitle, be added, in order to make more readily available the wealth of material incorporated in the text.

ARNOLD BRECHT

MYERS, HENRY ALONZO. *Are Men Equal? An Inquiry into the Meaning of American Democracy*. New York: Putnam. 1945. viii & 188 pp. \$2.50.

Professor Myers of Cornell University has given us a tract for the times. But since it is a superior creation, like the tracts of Tom Paine and John Milton, and is concerned with a basic problem of human relations, which it handles in terms of permanent significance as well as contemporary relevance, this study is destined to a worthy place in every collection of works devoted to the philosophy of democracy.

Hitler has been defeated on the field of battle. In the name of Hitlerism the German people made an appeal to arms, and by arms they have been vanquished and subdued. "If Hitler had been the only advocate of a justice determined by the natural inequality of men," Professor Myers says, "we might be satisfied to find in his downfall a conclusive answer to his doctrine. Unfortunately, the doctrine of inequality is one of the oldest in the history of thought. It held a central position in Greek philosophy, the source of many of our intellectual traditions, and has ever since had advocates of unquestionable integrity." The philosophy of inequality is still with us and is destined to determine much of future world history and the lives of individual men and women. The psychological war against this philosophy, then, will need to go on, and it is to this grave aspect of our racial, national, class, religious and social relations that the book addresses itself.

Professor Myers knows that physically, mentally and morally men are *not* equal. Tested by any measure relative to their capacities, achievements and virtues, they are found to be decidedly unequal. Yet, "take any man, anywhere, any time, who in spite of all the facts

of measurement says that he is as good as others—what does he mean? He means, most certainly, that the quality which has been measured is not the standard by which his place in society should be determined."

Every man, says Myers, sets himself up as a proper judge of ultimate human worth, for to himself he is the center of the universe; in the world there is nothing beyond his consciousness, and the world of his experience is an infinite one. The world starts and ends with his own awareness. "Life is his life, and death is his death." His spirit is equal to his universe. Since the world, being his own experience, is nearer to man than is the state (only a part of the world), he does not depend on the state for a final judgment of his worth. For this judgment he looks to himself or to God: "untold millions have felt that God alone can judge the infinite significance of the human being." Such, then, is the true meaning of human equality: "Each man is to himself equal to the great world of his own experience. In what matters most to men this world has the same import to all; it teaches each the lesson of his own infinite worth. And so men, who are equal to the same thing, are equal to each other. One being of infinite worth cannot be greater or less than another of infinite worth."

This idea of equality, Professor Myers admits, is not derivable from reason alone. But men, he says, are not pure intelligences. While reason may guide us, experience is the teacher, and man's own deep experience, in his hour of despair or in his hour of glory, points to his essential equality with all other members of the human family. This thesis is illustrated in the book with deep insight into the thoughts of Emerson, Hawthorne, Melville, Whitman, Jefferson, Lincoln and a host of lesser men. Myers ably describes the crisis in American thought and morals during the slavery controversy and the Civil War, and he summarizes the American contribution to the philosophy that accepts equality "as the final meaning of experience."

This book will not be welcomed by those who are still fighting the Civil War on the side of the South. Nor will it be well received by persons who believe that their own religious dogmas offer the only key to the kingdom of heaven, and that those who do not share these beliefs are unequal in the eyes of God and should therefore be unequal in the eyes of men. It will be hailed by all who believe that only democracy does justice to human nature, and that "the only cure for the ills of democracy is more democracy."

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OLSCHKI, LEONARDO. *Machiavelli the Scientist*. Berkeley: Gillick Press. 1945. 58 pp. \$1.50.

"The scientific character of *The Prince* has been always noticed and many times emphasized, but never correctly described and accurately disclosed." According to a widespread opinion, Machiavelli was primarily "a teacher of practical statecraft" and "his scientific mind is . . . revealed by his realism." According to Olschki, however, Machiavelli was primarily interested in elaborating "a new science of man which anticipated in spirit and mental procedure Galileo's foundation of a new science of nature," and "his scientific mind . . . is revealed . . . by the abstract quality of his thought and his power of generalization." Olschki asserts that Machiavelli was concerned with the "how," and not with the "why" or the causes of political phenomena; that he made of politics "a system of universal rules," that is, of "intrinsic laws to be discovered by an inductive method of thinking"; and that he succeeded in this because he was able to reduce "the nature of [political] phenomena to two principles or agents," namely, *fortuna* and *virtù*.

One cannot say that Olschki provides the analysis of Machiavelli's science which he almost promises in the sentence quoted at the beginning of this review. He scarcely goes beyond the assertions summarized in the foregoing paragraph. No evidence is submitted to prove the contention that Machiavelli was a "scientist" as distinguished from a teacher of practical statecraft. The fact (if it is a fact) that the "lasting interest in his work" depends upon his "scientific mind" in Olschki's sense of the term, does not, of course, prove that for Machiavelli himself "science" as distinguished from practical statecraft was the focal point. His constant preoccupation with what princes or republics should do, as distinguished from what they frequently or generally do, seems rather to show that Olschki's thesis is fundamentally wrong and that the distinction on which it is based is misleading.

As regards Machiavelli's allegedly exclusive concern with the "how" as distinguished from the "why" or the causes, Olschki limits himself to asserting that a certain *perchè* in a certain letter of Machiavelli's was "used in a modal and not in a causal sense"; he does not discuss a single one of the innumerable passages in which Machiavelli expounded the causes of political phenomena, although he happens to quote one of them.

As regards Machiavelli's concern with "universal rules," Olschki makes much of the fact that he used the term "regola generale," and

he asserts that to Machiavelli this was fundamentally the same as "natural law" in the sense of modern science. Olschki undoubtedly exaggerates the frequency of Machiavelli's use of this term (p. 29 n. 32: "*The Prince*, ch. 3 and *passim*"); if I am not mistaken, it occurs twice in *The Prince* (chs. 3 and 23) and once in the *Discorsi* (19). At any rate, it occurs very rarely, is never mentioned in passages in which Machiavelli explains the general intention of his political work, and its meaning is so little defined that one cannot possibly build on it an interpretation of Machiavelli's primary purpose. The utmost one might grant is this: whereas Machiavelli understood by "rule" something to which one ought to conform in order to act well, the normative element seems to be absent from his "general rules." This would hardly entitle one to identify his "general rule" with "natural law" in the sense of modern science. One's confidence in Olschki's assertions on matters of this kind is not strengthened by his statement that "Leonardo da Vinci is the first author who ever used the term of 'natural law.'"

Finally, as to the alleged fact that Machiavelli reduced the nature of political phenomena to the two principles of *fortuna* and *virtù*, it is obvious that the distinctions between the unchangeable and knowable order of nature and the unpredictable ways of *fortuna*, between nature and *virtù*, rich and poor, public and private, men and institutions, love and fear and so on, were no less important, no less fundamental for Machiavelli than the distinction between *fortuna* and *virtù*.

But in spite of its deficiencies Olschki's thesis is not without a certain value. One or two generations ago it was taken for granted that there is a fundamental difference between pre-modern political philosophy and modern political philosophy, and that Machiavelli played a decisive role in the emergence of the latter. Recent research has been inclined to see the "historical continuity" rather than the break with the tradition—for example, the kinship of *The Prince* with the traditional mirrors of princes, rather than the fundamental difference between them—and thus to blur the epoch-making character of Machiavelli's work. Olschki rightly objects to this tendency. But he does not do justice to its sound element, which is the principle that Machiavelli's work must be understood historically, that is, in its own light, and not in the light, say, of nineteenth century social science. Olschki denies the existence of any political science worthy of mention prior to Machiavelli: "Machiavelli is the first theorist of statecraft who wrote about that subject from firsthand experience

both as a politician and as a historian. None of his supposed fore-runners had any insight into governmental affairs of any kind." Oblivious of the achievements of men such as Thucydides, Aristotle, Polybius, Cicero and Tacitus, he fails to see that Machiavelli's achievement consists not in the discovery but in a radical transformation of the idea of political philosophy or political science.

This transformation is illustrated most strikingly by his concept of *virtù*, which in his political philosophy occupies a position comparable to that occupied by *virtus* in traditional political philosophy. Olschki asserts, without adducing any evidence, that this Machiavellian concept was derived from mediaeval medicine. It is true that Machiavelli sometimes used *virtù* in the sense of specific natural power (see his remarks about *occulta virtù* in *Discorsi* I 58 and II 32, and about *naturali virtù* in I 56), but he used it more frequently in the sense that it had in the political and moral literature of the past (see *Discorsi* I 60 and III 33, where *virtù* is used to render Livy's *virtus*; note especially the use of the term in *The Prince*, chs. 8 and 16). It is safe to say that Machiavelli's concept of *virtù* emerged from a transformation of Livy's or, more generally, of the classical concept of virtue.

Machiavelli's reinterpretation of virtue cannot be understood except in the light of his reinterpretation of tyranny. Within certain limits he accepted the traditional distinction between tyranny and kingship (or commonwealth). But in his most radical reflections, which are presented in *The Prince* rather than in the *Discorsi*, that traditional opposition ceases to be valid. According to Olschki, "tyranny is always condemned by Machiavelli. The popular view that *The Prince* is written as a manual for a tyrant is based on a superficial knowledge of the book." To describe *The Prince* as a manual for tyrants is certainly insufficient; but it is equally wrong to describe it as a manual for princes as distinguished from tyrants. The characteristic feature of the work is precisely that it makes no distinction between prince and tyrant: it uses the term "prince" to designate princes and tyrants alike. This is shown by the fact that the term "tyrant" never occurs in *The Prince*, and that in that work certain men are referred to as princes (Caesar, Nabis, Pandolfo Petrucci) who were tyrants according to Machiavelli's view and are so designated in the *Discorsi*; it is likewise shown by the first sentence in *The Prince* (ch. 1).

The reason why the distinction between prince and tyrant ceases to be significant in *The Prince* is that the central purpose of the work

is to bring to light the nature of "the new prince," that is, above all, the nature of the founder of "nuovi ordini e modi" (political, legal, moral or religious). Distinctions which are most important once an order has been established are inapplicable to the actual establishment and, we may add, to its "fringes" (especially foreign relations). Whereas traditional political philosophy took its bearings from the "normal" condition, that is, from the fully developed social order, the Machiavelli of *The Prince* was primarily concerned with what Hobbes would have called "the state of nature," or rather with the transition from "the state of nature" to "the civil state." It is for this reason that Machiavelli had to question the validity of the moral distinctions: he denied their applicability to what he considered the most important case, the case of him who establishes an order within which moral virtue can and should be practiced. He reinterpreted "virtue" to make it cover also and especially the specific excellence of the founder. One may say that he made the focal point the question of the roots of social order as distinguished from the question of its purpose. It would be most important to find out whether this change of orientation is akin to that effected by modern science with regard to the study of natural phenomena. This question cannot be answered, it cannot even be raised, as long as one accepts the untenable premise that Machiavelli was, or intended to be, a "scientist" in the nineteenth or twentieth century sense of the term.

LEO STRAUSS

NOTESTEIN, FRANK W., and others from the Office of Population Research, Princeton University. *The Future Population of Europe and the Soviet Union. Population Projections, 1940-1970*. Geneva: League of Nations. Distributed by Columbia University Press, New York. 1944. 315 pp. \$2.75.

Population forecasts on the basis of given age and sex distributions and assumed future fertility and mortality rates have been made in many countries during the past twenty years. This work of the Office of Population Research at Princeton University, directed by Professor Frank W. Notestein, includes, however, the first population projections prepared on an international scale and applying uniform methods of extrapolation. The methods may interest only the statistician, but the findings concern everybody. They represent nothing short of a guide to the future history of mankind in Europe, for political power, as well as economic power and the social pattern of a nation, are determined by the size and structure of its population.

That the demographic balance between the various regions of Europe will undergo significant changes in the next decades is demonstrated by a rich array of statistical comparisons. In 1970 the north-western and central area of Europe, and most of the individual countries in that section, will have a smaller population than in 1940—only 94 percent of that year's level. In contrast, the population of the countries in southern and eastern Europe will continue to grow, southern Europe reaching 112 percent, eastern Europe (exclusive of the Soviet Union) 120 percent, and the Soviet Union 144 percent of the level of 1940. This change will be accompanied by an aging in the population structure, especially in the northwestern and central European countries. In 1970 Soviet Russia will have 43.3 million men 15 to 34 years old (1940 was 30.1 million), almost equal to the combined totals of the United Kingdom, Germany, France, Italy, Poland, Rumania and Spain (46.1 million in 1940).

The population projections are based on the demographic structure existent before the war, and on extrapolation of the dynamic tendencies of that period. They do not take account of any postwar migrations, nor do they consider the tremendous effects of the war itself, for it will be some time before data are available to show how the wartime upheavals have modified the picture of normal population development.

The main problem of any population projection is the determination of the probable future mortality rates of each sex, and of fertility rates, both according to age groups. Any statistician who has participated in estimating such rates is aware of the arbitrariness of all assumptions regarding them. It is comprehensible, therefore, that many population forecasts are based on various alternative assumptions. The method used by the Office of Population Research, substituting an objective technique for more or less subjective choice, is evidence of real progress. By plotting all existing mortality and fertility rates for each age group it has been found that the downward slope of the rate of any specific age group is a function of its initial height, irrespective of the time of observation. Thus "when death rates were high, they were usually declining rapidly; when they were low, they were declining slowly" (p. 22). Therefore, in the main, for both mortality and fertility rates an exponential curve was computed for each quinquennial age group, sloping downward as a function of the time distance from the years of last available data. This curve was applied to all countries.

The ingenuity and painstaking application of this method deserve



the fullest admiration, but it is to be noted that no distinction was made between matrimonial and illegitimate fertility in regard to those countries for which this distinction is possible. To be sure, this refinement would have involved additional assumptions, and might have changed the results only slightly. It is theoretically justified, however, because at each age the fertility of married women is higher than that of the unmarried. Moreover, the trend of the number of married women has an importance of its own. The entire book, which includes brilliant sections on changing age and sex structure, manpower, the burden of dependency, and the problem of population pressure, contains not one word on the significance of the increasing proportion of families (married women) in the total population.

This is not a serious criticism, however, of a study which constitutes, on the whole, a monumental contribution to international statistical research. As accessory material the book includes a useful history of population projections, and a worldwide bibliography is also appended.

JULIUS WYLER

MALINOWSKI, BRONISLAW. *A Scientific Theory of Culture and Other Essays*. [With a Preface by Huntington Cairns.] Chapel Hill: University of North Carolina Press. 1944. vii & 228 pp. \$3.

This last book of Malinowski's reformulates his functional theory of culture. The term function, it will be remembered, is used by him in a particular sense. He objects to any anthropological procedures in which cultural "traits," artifacts and the like are treated as though they could be considered in isolation. Every cultural phenomenon or product, he insists, must be seen in relation to a human need which it satisfies. And its satisfaction of such a need is called its function.

The thesis that this relation is of great importance in the science of culture seems now to be widely accepted. In fact, what could one possibly say against it? Nevertheless, as a program for actual work, functionalism may mean much, or it may mean little. Everything depends, first, upon the concrete way in which human needs themselves are dealt with; second, on the way in which these needs are related to the genesis and the existing facts of culture; and third, on the way in which the extraordinary variety of cultural phenomena is interpreted from this point of view.

Of these, the first is a psychological question. The author answers



it by giving a table of eleven biological needs plus corresponding acts and satisfactions, which together are said to constitute human nature. We find in this list such items as hunger, thirst, sex, fatigue and bladder pressure. In one chapter after another we are told that ultimately all culture has the function of satisfying these biological needs. Their discussion in detail follows the models of behaviorism and of stimulus-response psychology.

The second question is answered by reference to conditioning. Conditioning establishes instrumental or cultural needs and corresponding values. Apparently it is also responsible for the various facts of culture as such, although the reader may not see quite clearly how mere individual habits are transformed into the traditions, the institutions, of a tribe. At any rate, the author insists that, in the process of conditioning, the satisfaction of the primary biological needs still operates as "reinforcement." From this point of view cultural needs never have an independent existence in man's life. They remain in a strict sense "derived" needs, and would disappear once they were no longer instrumental in serving the fundamental demands of stomach, sex and the like.

The third question is clearly decisive for the value of anthropological functionalism in actual research. The anthropologists are confronted with an amazing variety of cultural phenomena concerning weapons, tools, marriage regulations, organization of the family, forms of magic, styles of art, and the like. To some extent, realization of the fact that culture is related to human motivation may help the anthropologists in their field work. Certain questions will thus be asked which mere collectors of "traits" would easily ignore. But what about intertribal differences? Surely, if a theory of human culture is meant for use in actual work, it must contain some factors which permit plausible explanations of specific cultural data in individual cultures. I regret that in this respect Malinowski's last volume is strangely reticent. Questions referring to the specific material of one culture as compared with another are pushed aside with a certain impatience. They derive, the author says, from the pre-scientific craving for first causes. To the reviewer this attitude seems entirely unjustifiable. If it is a legitimate scientific procedure to relate facts of culture in general to human needs, how can one reject the demand that individual cultural data be similarly correlated with more specific determining conditions? According to Malinowski the determinants of particular cultural facts in individual cultures cannot again be the biological needs, since these are supposed to be about the same in

all humans. The consequence is that functionalism in his sense cannot alone serve as the basis of a science of culture. In fact, there is a danger that in the absence of further principles functionalism will remain a general schema which applies everywhere but is nowhere wholly satisfactory.

Quite apart from this weakness, Malinowski's theory of culture can be no better than his conception of man. On what grounds are a few "biological" needs made the only forces in the mental field that answer directly to the nature of given situations? Suppose, for instance, that intellectual processes and their demands come into action solely because of such factors as hunger, thirst and the need of shelter. If this premise be accepted, then demands in the cognitive field are surely genetically posterior to those biological needs. But must we therefore commit what the philosophers call the "genetic fallacy"? Actually, the nature of cognitive demands as such remains quite independent of non-cognitive psychological factors which happen to give thought its first impulse. Occasionally Malinowski seems to admit that in the field of art there are immediate (unconditioned) demands, although he does not mention them in his list of primary needs. But otherwise, in his opinion, no human attitude except those on the list has a *raison d'être* of its own.

The situation is not improved by the fact that the principle which establishes the derived needs of culture is said to be conditioning, that is, a mere coupling of neutral objects with certain given responses. From this point of view there is no sense in any fact of culture per se. Let us consider a simple example. We read that "the symbol is the conditioned stimulus, which is linked up with a response in behavior only by the process of conditioning" (p. 153). How can this thesis be reconciled with the observation that, to the extent that is possible with phonetic material, primitive languages tend to picture the major structural characters of meanings by corresponding phonetic structures? Surely this is not a connection of the kind to which the principle of conditioning refers. In the most abstract symbolism of all, that of modern mathematics, we may use an arbitrary connection when we choose the letter *x* for distances in a certain direction of a coordinate system; but we call *all* the various distances in one dimension *x*, and *all* distances in a second dimension *y*, and thus picture common character and different character in the nature of the object by common character and different character in the symbols. It is most unfortunate that under the influence of stimulus-response psychology an anthropologist can so far ignore obvious evidence in

his own field. There is more sense in the facts of culture than this positivistic account would lead us to believe. And it appears clear that Malinowski's principles can do no more justice to that sense in other provinces of culture than they can in the particular realm of symbols.

WOLFGANG KÖHLER

ELBOGEN, ISMAR. *A Century of Jewish Life*. [Translated from the German by Moses Hadas.] Philadelphia: Jewish Publication Society of America. 1944. xliii & 814 pp. \$3.

H. Graetz's *History of the Jews*, of which a somewhat abbreviated English edition was published in 1898 by the Jewish Publication Society, closed with the year 1848. The present volume is meant as a supplement to Graetz's very popular work. In five "books" it presents the two periods of the century under consideration: 1848 to 1880, a period of "optimism, idealism and liberalism" which favored the entrance of the Jews into the fellowship of nations; and 1880 to 1939, a period of "pessimism, materialism and nationalism" which, in its European version, undermined and finally destroyed the values created in the first period.

Under these headings Elbogen gives a concise account of the last century of Jewish history: the later stages of emancipation in various European countries; the development of political anti-Semitism, with a careful statement of the Jewish reaction to it; the rise of a Jewish "enlightenment" movement (*Haskalah*) in eastern Europe, the real objective of which is described by the author as social revolution; the struggle for reform in the Jewish bourgeois society of central and western Europe, and the resulting transformation of religious concepts; the awakening of nationalism (the "Lovers of Zion"), the rise of a Hebrew literary and cultural renaissance in eastern Europe and of political Zionism in the west (*Herzl*), the British mandate and the rebuilding of Palestine; the migrations from Russia and Poland after 1880, especially to the United States; the problems of adjustment and Americanization, the growth of the new Jewish community in this country, and the westward movement of Jewish scholarship; and finally, Hitler's "total war against the Jews" and the ordeal of Europe.

The immense and diversified source material for the presentation of these wide-ranging subjects has been sorted out and appraised by Elbogen with subtlety and a mature sense for what is significant in the historical process. Social and economic factors are continuously

examined, and the author is guided not only by sound judgment but also by intellectual honesty and clarity. He never falls into the resentment or despair that the tragic period under consideration would suggest. Professor Elbogen (who is especially known as an historian of Hebrew liturgy) is equally far removed from Graetz's ideological and Dubnow's sociological interpretation of Jewish history. He rejects the latter's oversimplified employment of purely "national" principles and his tendency toward synthesis rather than toward analytic investigations. And while Elbogen was fascinated by Graetz's attempt to show in Jewish history a "meaningful evolution of an idea," extreme scholarly conscientiousness made him reluctant to offer, himself, more than a very conservative, objective narrative of events.

This very limitation to a traditional, factual presentation, self-imposed as it is, results, however, in an obvious disadvantage for the reader. The author has the general European or American development constantly in mind, but except in occasional sug-

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gestions he avoids any interpretation of the interrelations between general and Jewish political, social and intellectual history. While the trained student of history will notice the implications, the general reader, not too familiar with the problems of nineteenth century Europe, will fail to recognize fully the roots of many issues. The emergence of secular Jewish nationalism should have been described against its background, European nationalism; the thinking of Moses Hess and its relations to modern nationalist and socialist theories deserve a more detailed consideration; the discussion of the reinterpretation of Jewish tradition by Ahad Haam, which exercised a tremendous influence on modern Judaism, could have been an opportune occasion to elucidate the significance of the penetration of positivism and evolutionism into the thinking of eastern European Jewry. It is true, however, that in order to give a full appreciation of modern Judaism the book would have had to start with 1789 and not with 1848. The masterly preface that forms a bridge between Graetz's overoptimistic discussion of emancipation and the present

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volume is too short, and cannot replace that thorough reevaluation of many aspects of emancipation which could be provided by the perspective of recent developments.

Minor errors are unavoidable in a volume of this wide scope, but a few may be mentioned for future editions. Micha Joseph Lebensohn was born in 1828, not 1808 (p. 108); Mount Scopus does not "offer a magnificent view of the Mediterranean" (p. 483); the remark on the Party Day is irrelevant (p. 654); "belonging to the state" is a meaningless translation of *Staatsangehörige* (p. 655); the note on the American Jewish Conference draws a rash conclusion (p. 681). The excellent translation by Moses Hadas deserves to be especially mentioned, and the notes (pp. 685-769) cover the most important source material and provide useful references. In an introductory essay Professor Alexander Marx gives an appreciation of Elbogen's place in Jewish scholarship.

NAHUM N. GLATZER

*Boston Hebrew Teachers College*

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